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ABSTRACT

Included in the document are 16 statements from such educators and government officials as Senator E. Brooke, R. Rossmiller (professor, University of Wisconsin), and Dr. H. Wise (President, National Educational Association); nine articles and publications (such as the National Governor's Conference Policy Position on the Education of Handicapped Children); communications to hearings participants; and responses to senators' questions. Among the appended additional articles, communications, and questions and answers are the California Master Plan for Special Education and Missouri's Special Education Act of 1973. (CL)

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EDUCATION FOR ALL HANDICAPPED CHILDREN, 1973-74

HEARINGS

BEFORE THE

SUBCOMMITTEE ON THE HANDICAPPED

OF THE

COMMITTEE ON

LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 6

TO PROVIDE FINANCIAL ASSISTANCE TO THE STATES FOR IMPROVED EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN

JUNE 17 AND 24, 1974

PART 4

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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EDUCATION FOR ALL HANDICAPPED CHILDREN, 1973–74

MONDAY, JUNE 17, 1974

U.S. Senate,
Subcommittee on the Handicapped of the
Committee on Labor and Public Welfare,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:12 a.m., in room 4232, Dirksen Senate Office Building, the Honorable Jennings Randolph, subcommittee chairman, presiding.

Present: Senators Randolph, Williams, and Stafford.

Senator Randolph. A pleasant morning to all of you who have joined us for this hearing of the Subcommittee on the Handicapped.

I am especially gratified that Senator Harrison Williams of New Jersey, the chairman of the Labor and Public Welfare Committee, and who is intensely interested in our subject matter this morning, is present.

We have the Honorable Frank Carlucci, Mr. Charles Cooke, and Dr. Edwin Martin, and these three witnesses are prepared to testify.

Opening Statement of Senator Randolph

Senator Randolph. I do wish to make this very brief statement. That is that we are hearing today testimony on Senate 6. That is known as the Education for All Handicapped Children Act.

This legislation was introduced in 1973, on January 4 of that year. At that time, the able chairman of our committee, Senator Williams introduced this major legislative approach, and it was my privilege, with 22 other Senators, to become cosponsors.

Now, this is the second hearing in Washington that we have held on this measure, but it should be a matter of record that members of the subcommittee have held five hearings. These have been in our chairman's State, in Newark, N.J.; in Columbia, S.C.; in Boston, Mass.; and in St. Paul Minn.; and also Harrisburg, Pa.

Since the introduction of that bill a year and a half ago, there has been activity in reference to the provision of the measure.

Parents, people that we feel are especially adept in the subject matter—we would call them professionals—and many fathers and mothers and teachers, a broad section, those who are concerned advocates of this type of judicial process, have been with us.

There have also been legislative bodies that have stated an affirmation or, in some instances, reaffirmation of the rights of the handicapped children to what we describe as equal educational opportunity.

Now, legislation in the States covers child advocacy, compulsory school attendance, teacher certification and comprehensive educational services for handicapped children.

In our State of West Virginia, we have enacted into law a comprehensive approach. It is effective on July 1 of this year. It does provide for a program of special education services for the handicapped for the ages 3 through 23.

There are, as I understand it, 48 States that have enacted laws that have to do, in one degree or another, with the teaching of handicapped children.

We are delighted this morning that not only do we have Senator Williams, the chairman of our committee, the chief sponsor of the legislation, present, but Senator Stafford of Vermont is with us, who is intensely interested in this subject.

Now, as I understand it, there are 36 court cases in 24 States that bear on the right to education for handicapped children. There are 38 court cases in 25 States on the right of these children to what we call due process of law, and in eight cases in six States on the right to treatment for all children who need it.

I hope, Senator Williams, you will talk some today about the right to treatment for all children who need it.

I would like to have that spelled out in a more definitive way.

As an expansion of part B—Aid to the States—of the existing Education of the Handicapped Act, S. 6 is, I think a good, instrumentality for bringing additional Federal assistance to the States in order that they can provide a more comprehensive educational service program to children.

So, our hearings on this measure have been held to bring together those persons who will be implementing this legislation if it becomes law, and those who will be affected by the court decisions and whatever legislative mandates are brought forth.

Certainly I think in terms of a goal of the subcommittee, which would be to arrive at certain decisions on what the Federal Government's role should be for education of the handicapped children, and then how best to implement that role.

And then we would be able to move toward a finalization of the measure.

We have these witnesses that I mentioned who are here with us today. They will identify themselves for the record, and they come with the background, certainly the expertise, the knowledge, and all of these persons representing Government and organizations will help us to better understand their thinking in reference to not so much just the legislation before us, although that is the bill on which the hearing is being held, but their concerns and perhaps their suggestions and recommendations that will help us in this overall approach.

Senator Williams, do you desire to make a statement?

Senator WILLIAMS. Just briefly.

Thank you, Mr. Chairman.

I first want to applaud you for the remarkable way, remarkable in every way, you have discharged your stewardship of responsibility as chairman of the Subcommittee on the Handicapped.

It certainly expresses itself here today on hearings on this bill, and you have shown a comprehensive response to problems of all the handicapped in our country.

This marks the beginning of what we hope will be an important addition to our response to the needs of handicapped children as we begin this final set of hearings on S. 6 prior to consideration in executive session.

Since we began these hearings a year ago, the Subcommittee on the Handicapped has discussed the delivery of educational services to handicapped children with parents, with consumer organizations, and State and local officials all over the country.

The most difficult questions for us to respond to have been those from parents and from handicapped individuals who have only asked for what they have a right to expect—equal treatment and the access to the education system.

The last few weeks have demonstrated exactly how strong the need is for bolstering the Federal role.

On May 20, the Senate unanimously adopted an amendment to the Education of the Handicapped Act, which would establish an entitlement of $15 per child to be spent on the education of handicapped children.

This provision represents the first step forward in an expanded Federal role, a step which says very clearly that the Congress of the United States intends to get on with the business of insuring that each handicapped child has the right to an education which meets his or her needs.

Senator Randolph, Senator Stafford and I were all present when the Mathias amendment was passed, and it was our statement of intent and our promise to the nation that we get on with the comprehensive bill as we voted unanimously for that 1-year emergency response to the need that presses in upon the Nation, not only in humanitarian terms, but as a matter of law, as you have stated in your remarks.

Without objection, I would like to have my complete statement included in the record at this point and where I think we are going to go.

Senator RANDOLPH. Chairman Williams, your remarks and any statement that you desire to have put in the record associated with the subject matter will be included without objection.

[The prepared statement of Senator Williams follows:]

OPENING STATEMENT OF SENATOR HARRISON A. WILLIAMS, JR.

Senator WILLIAMS. I am pleased to welcome you all to this hearing on S. 6, The Education for All Handicapped Children Act. We are meeting today in Washington to begin the final set of hearings on this legislation prior to executive consideration by the committee.

Since we began these hearings a year ago, the Subcommittee on the Handicapped has discussed the delivery of educational services to handicapped children with parents, consumer organizations, and local and State officials all over the country. The most difficult questions for us to respond to have been those from parent and from handicapped individuals who have only asked for what they have a right to expect: equal treatment and the access to the education system.

The last few weeks have demonstrated exactly how strong the need is for bolstering the Federal role. On May 20 the Senate unanimously adopted an amendment to the Education of the Handicapped Act which would establish an entitlement of $15 per child to be spent on the education of handicapped children. This provision represents the first step forward in an expanded Federal role, a step which says very clearly that the Congress of the United States intends to "get on" with the business of insuring that each handicapped child has the right to an education which meets his or her needs.

A poll of the Governors recently has shown that the education of handicapped children is one of the two top priorities for their States. It is true that there has been increasing State action toward establishing laws which underline the right of each handicapped child to an education, and which establish a timetable for full services to all children. There is no question that a large number of States have recognized their responsibility in this area. But in testimony on this legislation throughout the States which we have visited, there has been one theme: the States have indicated a commitment to try to find the funds to provide these services. They are moving in good faith toward the day that all children will have appropriate services, with their nonhandicapped peers and with the promise that these children will have the birthright to join their nonhandicapped peers in as independent a manner as possible.

But, it comes down to a simple question of time. The Governor of Minnesota, and officials of the States of North Carolina, Vermont, North Dakota, South Carolina, Massachusetts, Pennsylvania, and Iowa—all have indicated that their timetable for full services would be greatly shortened through the assistance provided by the legislation before us today. The State of Vermont in particular indicated that they currently believe that they will not meet their mandate until 1980. They feel that this assistance would allow them to meet that mandate in 2 years. I expect that without greater financial assistance, other States which are not as far along would cite dates later in the 1980's.

In the past several years the administration has talked a lot about capacity building. It has talked about insuring that we have trained personnel, and that we must devise all of the techniques possible to deliver the support services that are needed. It is easy to say that. I am sure that the managers of these programs would like to insure that no mistakes are made, that services are delivered in the best possible way, and that we know that we have all of the data to say that we know the population that exists is receiving appropriate services.

But, we must recognize that we have been working to build these capacities since the inception of the Education of the Handicapped Act in 1967. We have had the authority to expand the personnel available, and to do all of the training and develop all of the support materials. I believe that the Bureau of Education for the Handicapped has done this job very well. But the facts are that in the last 4 fiscal years we have seen only a minimal increase in funding for capacity building efforts. Funds for the training of personnel have risen from $34 million in fiscal year 1972 to a budget request of only $38 million in fiscal year 1975. The dollars in the State grant program have gone from $37.5 million in fiscal year 1972 to a request for only $47.5 million in fiscal year 1975. Somehow that increase does not show me that there is much of a commitment—even to the notion of capacity building. Despite the promise made by Commissioner Marland that his goal was serving all children by 1980, estimates in 1973 of the percentage of children served was 42 percent—only a 4-percent increase since 1968.

The Department of Health, Education, and Welfare's report on S.6 last year said that it would duplicate already existing authority, and that the dollar amounts which might be forthcoming in this bill represented "an unrealistic amount of new money, which would lead to further unfulfilled expectations among the target group to be served".

In response to this statement, let me emphasize that it is one thing to say that legislation will solve all the problems of the world. It is quite another thing to say that this financial assistance will provide the new money necessary to bring children into an educational system which has excluded them. We are not now talking about improving services and finding a new service system. Much of this system is already in place. What we are talking about are children and young adults who have absolutely been denied entrance to this system. It is not a question of ensuring that we are accomplishing everything at once. It is a question of bringing additional children into an educational process which works and which is already providing education to their colleagues and friends.

If we are talking about unfulfilled expectations, it is this philosophy of "capacity building" which has created unfulfilled expectations.

I have talked with great numbers of local school administrators and directors of special education in the last year. I have not yet heard from them that they don't have the ability to get the job done. And I have talked to parents who in many cases are providing education for their children by paying for private schools out of their own pocket or educating their children at home.

They feel—and rightfully so—that the public system should be doing this job. And in States like Pennsylvania, where this has begun, they are willing to work with the system as long as they know it is changing to bring a decent education for their children. They don't expect miracles. They expect progress, and I am committed to help them fulfill these expectations.

Senator RANDOLPH. Thank you very much for your helpful backdrop, as it were, of what has taken place, especially in more recent action in the Senate.

Senator Stafford?

Senator STAFFORD. Thank you very much, Mr. Chairman.

Consistent with the reputation of northern New Englanders, I will be very brief. I do want to emphasize my feeling.

These are very important hearings on a very important subject, S. 6, education for handicapped children.

I have been looking forward to them since we had colloquy on the floor not long ago on this subject on the Mathias amendment. The leadership of both Senator Williams, chairman of the full committee, and you, Senator Randolph, Chairman of the Handicapped Subcommittee, is well known, and your interest in behalf of handicapped persons, handicapped children, is well known and well demonstrated in legislation coming from the Congress.

You are both so busy that I do not know how you do all the things you do, but I know that in questions involving the handicapped, you give their interest such high priority that that is, I am sure, why we are holding these hearings this morning.

I simply look forward to the evidence which may be produced in connection with S. 6. Thank you very much.

Senator Randolph. Thank you very much, Senator Stafford.

Your constant attention to the problems of the handicapped in our subcommittee has certainly been encouraging to all of us, especially to me, as you and I stand more or less working as a team in reference to the handicapped program.

Of course, your remarks with reference to the leadership of our chairman are certainly appropriate and correct.

As you begin, Mr. Carlucci I hope I may not be abrupt when I, for the record, want you to spell out exactly how you feel about the Mathias amendment which was passed in the Senate.

I think this is very important at this juncture to consider this more overall long-term approach for you to set forth your thinking about the reasoning of Senator Mathias and others as to action of this type for a limited period of time and with, let us say, perhaps a reduced program.

Would you begin, sir, and please identify for the record yourself and your associates.

STATEMENT OF HON. FRANK C. CARLUCCI, UNDER SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY CHARLES M. COOKE, JR., DEPUTY ASSISTANT SECRETARY FOR LEGISLATION (EDUCATION), DHEW; AND DR. EDWIN W. MARTIN, ACTING DEPUTY COMMISSIONER, BUREAU OF EDUCATION FOR THE HANDICAPPED, OFFICE OF EDUCATION

Mr. Carlucci. I am Frank Carlucci, Under Secretary of Health, Education, and Welfare.

On my right is Dr. Edwin Martin, Acting Deputy Commissioner, Bureau of Education for the Handicapped, Office of Education; and to my left is Mr. Charles Cooke, Deputy Assistant Secretary for Legislation in the Office of the Secretary.

Mr. Chairman, Senator Stafford, Senator Williams, at the conclusion of my prepared remarks, I will address the question of the Mathias amendment.

Senator Randolph. Thank you.

Mr. Carlucci. I am happy to appear today before the subcommittee to discuss S. 6. S. 6 focuses our attention on a vital issue, the provision of appropriate educational services to handicapped children. As you are all aware, the Federal effort in improving educational services to the handicapped has grown rapidly in the last decade. In 1964, the Office of Education spent about $20 million on programs for the handicapped, primarily on the blind and deaf. In contrast, current OE programs for the handicapped will spend around $250 million.

For example, federally aided institutions for the deaf or blind—for example, Gallaudet and the American Printing House for the Blind—will receive about $24 million in fiscal year 1974. In addition, the Congress has mandated that handicapped children comprise 10 percent of the children in federally funded Head Start programs. Of course, there are many other programs within the Department which spend several hundred million dollars on programs for handicapped individuals.

The Federal role in education of the handicapped has been primarily one of building the capacity of State and local agencies to provide such education for the handicapped: to train the needed high quality teachers, to demonstrate exemplary programs, to disseminate instructional materials, and to stimulate growth of State special education programs. The Bureau of Education for the Handicapped has been the focal point in this Federal effort, and the Bureau has helped to raise the national sensitivity to the educational needs of the handicapped.

The States' responsibility, on the other hand, to provide adequate services to educate the handicapped is being increasingly clarified and strengthened—as indicated by the number of State legislatures which have passed new laws mandating such services, and the body of litigation on behalf of the handicapped's rights to appropriate education. Clearly, these laws and court decisions underscore the traditional responsibilities of State and local educational agencies for the provision of educational services.

The central question raised by S. 6 is, should the Federal role in education for the handicapped be changed from capacity building to one of substantial support for provision of services? S. 6 proposes a dramatic change in that the Federal Government would provide 75 percent of the States' costs of educating handicapped children in excess of the average per pupil expenditure for nonhandicapped children. While State data on excess costs are extremely poor and are not comparable between States, our estimates indicate that the costs would probably exceed $4 billion per year.

Such a sharp change in the nature and size of the Federal role should occasion some thorough consideration of the rationale and implications of such a change. Is the change warranted on its own merits and in relation to additional resources for other noneducational services for the handicapped? What leads us to a conclusion that the Federal Government rather than the States should shoulder additional responsibilities and what are the implications for other special educational problems for the disadvantaged? If the Federal Government is to provide additional support for services, is the approach taken in S. 6 the most satisfactory way to proceed? In my view, the answers to these and other questions are not sufficiently clear to warrant enactment of S. 6.

The problems of educating handicapped people are more complex than the proposed solution—a massive infusion of funds—contained in S. 6. As a recent Rand study states:

> Perhaps it is easier to blame inadequacy of funds, but that is too facile an answer. Insufficient resources is a major problem but higher funding alone will not solve other basic problems that we find pervading nearly all aspects of the system; the complexity, lack of control and disorganization of the system currently delivering services to handicapped youth defies efficient and effective operations, inequities and gaps in service delivery abound, and not enough information is available to manage the service system effectively and deliver the services needed. In addition, it is clear that the fundamental questions in identifying and classifying children, and the adequacy of the existing capacity to service these children must be faced before the structural questions of service delivery can be solved.

Let me elaborate on these questions in relation to the flaws we perceive in S. 6.

This bill fails to consider the broad problem of integrating service delivery to handicapped people. Most State delivery systems approach the needs of handicapped people by having isolated groups of professionals provide specialized services without attempting to treat the continuum of individual need. S. 6 would increase the level of educational support as opposed to rehabilitative, medical or diagnostic services without examining the States' current delivery system and attempting to target supplemental Federal aid on States' weaknesses. The Federal Government historically, and perhaps unintentionally, has reinforced this fragmentation of service by not coordinating Federal programs which aid the handicapped.

The fundamental question of the appropriate Federal role in provision of educational services to the handicapped moves us onto much more controversial and less clear ground. It is both a complex and important question and we all need to think about it as carefully and clearly as possible.

One school of thought would simply embrace all special education costs as a Federal responsibility with the Federal Government underwriting the major portion of the incremental cost of providing special education services. I find this view unpersuasive. Historically, education has been and remains today predominantly State and local responsibility. Handicapping conditions seem to be distributed more evenly throughout the school aged population than other kinds of disadvantaged and are therefore a regular part of those State and local responsibilities in education. When these State and local responsibilities were less clearly perceived, Federal financial incentives were perhaps the only way to achieve recognition of a need which had to be faced. Federal and State statutes and court orders, with appropriate compliance and enforcement machinery, are, however, rapidly requiring school systems to face such responsibilities.

On fiscal grounds, where the case is often argued most strongly, the argument for total Federal assumption of all incremental special education costs is equally weak. There is a tendency in such arguments to assume that the Federal Government has unlimited financial resources while State and local governments lack adequate resources.

This ignores the continuing deficits in the Federal unified budget. The States and localities, on the other hand, experienced budget surpluses estimated at $5.5 billion in calendar year 1974. Thus, we have a situation in which the States are in a good position to support the services their legislatures are increasing mandating especially since decreasing school enrollments will probably result in lessening demands on established State and local tax bases.

It seems to me quite clear that many local school systems are fully able to finance the incremental cost of providing appropriate educational programs to deal with special problems. Where the incidence or concentration of special educational problems is high, or the fiscal capacity of the school district is low, I believe that the State has a major role to insure that all children within the State are provided equal educational opportunities.

As mentioned earlier, I believe that States are increasingly recognizing this obligation in determining the allocation of their fiscal resources. It is interesting to note that 65 percent of the general revenue sharing money which was made available for State expenditures—some $643 million—in the January 1, 1972, through June 30, 1973, period was used to finance educational services—39 percent of which went for new services.

I note, Senator Williams, in your statement you indicate that Governors themselves indicate that education for handicapped children is a very high priority item for them.

The strength of State treasuries, in combination with the demonstrated desire of most States to spend their general revenue sharing money upon new educational services, argues strongly that any increased service costs for equal educational opportunities should be shared by State and local educational agencies rather than borne primarily by the Federal Government.

Another critical issue in your deliberations during these hearings is whether effective techniques for teaching the handicapped are sufficiently established to make use of the fiscal infusion proposed in S. 6. With Federal support, great strides have been made in both learning theory and teaching techniques for the handicapped. However, existing State and local service systems have not yet been reorganized to take advantage of this new knowledge. Accordingly, there is a large risk that an excess cost formula, such as that contained in S. 6, would serve to perpetuate older and less effective educational practices rather than to spur the States to accept more effective methods developed by exemplary programs.

There are, in addition, technical problems in S. 6, including the equity of the proposed formula and the critical question of the effects of labeling on children. The bill would tie Federal payments to the identification of children served by State agencies. However, there is great variability among States in the eligibility for special educational services.

Some States mandate services for handicapped children, 0 to 21, others only for ages 5 to 17. Clearly, State excess costs would not be comparable, even if common accounting procedures were implemented. I might add here that S. 6 would appear to require the adoption of such common accounting practices throughout the Nation's school systems, and such Federal intervention would, at a minimum, be unwelcome, if not wholly infeasible. The imposition of Federal standards for identifying handicapping conditions could, in principle, overcome this problem. However, the development of Federal standards would be difficult, as evidenced by the present wide divergence of criteria and estimates of special educational needs. We have made estimates that about 10 percent of all children need special education, but one health examination survey sample, taken by the National Center for Health Statistics, identified 25 percent of the children 6 to 11 as requiring special education.

One reason for the wide range of estimates is that there are many handicapping conditions, each of which may range from mild to severe in their impact on learning. For some children, such as those with speech problems, reading or learning disabilities, or developmental emotional disturbances, the period of special intervention may be quite short.

Mildly handicapped children with hearing or vision impairments, with orthopedic handicaps, or with mild retardation will require only part-time programs of special education within a regular school program. Other handicaps are, of course, vastly more severe and require intensive services over long periods of time. However, the allocation of formula in S. 6 makes no distinction as to the different types and severity of handicaps.

The problems of identifying handicapped children for the purposes of a formula such as that contained in S. 6 has other dimensions that must concern us. The procedures in this bill would tend to encourage undesirable "labeling" of children requiring additional special services as handicapped, and maintain the number at the highest possible level. This could increase the risk that labeling children as handicapped will itself cause harm. For those children labeled as mildly or moderately handicapped, particularly as emotionally disturbed or mentally retarded, the social stigma of the label can have catastrophic effects on the child's effective and cognitive development, effects often outweighing the special educational services they may receive.

There are numerous reports of widespread mislabeling of disadvantaged and bilingual children, identifying them as mentally retarded or emotionally disturbed. This points to cultural bias which many researchers maintain is found in commonly accepted and widely used screening instruments. Many of the relevant court cases (*PARC*, *MARC*, *Mills*) impose stringent due process requirements calling for periodic reassessment of a child's condition, but the effectiveness of the application of these provisions remains untested. The thorny intricacies of achieving appropriate identification without unnecessary labeling should not be taken lightly. However, mandating a yearly individualized written program for every child receiving specialized services as contemplated in S. 6 could produce an administrative nightmare without resolving the problem.

In raising the foregoing questions, I have attempted to highlight some of the complexities which make the approach of S. 6 so questionable. Our experience with massive infusion of funds impacting on target populations without adequate planning has not been good. Furthermore, the approach taken in S. 6 to an expanded Federal role is only one of several possible approaches, none of which are sufficiently understood to warrant legislative action.

For example, other alternatives include: providing added resources to the parents of handicapped children; targeting funds only to those districts which have high concentrations of handicapped children or are fiscally unable to respond; or temporary assistance needed to meet the initial costs of developing educational programs for handicapped children. Each of these approaches should be thoroughly explored, and information not now available should be collected, analyzed and thoughtfully considered in the context of the total Federal role in elementary and secondary education before any of them are adopted. For the present, we believe that the Federal capacity building strategy should be continued and strengthened.

A primary need of handicapped people is an integrated service delivery system which can respond to all an individual's needs, not just education or medical problems. A key element in such a system would be a method by which individuals requiring service could be identified and directed to appropriate treatment facilities. Such an interdisciplinary diagnostic system could be implanted within the educational system for school entry screening of educational and medical problems or within the State public health service. Additionally, a management information system, such as the one installed in Maryland, to target services on handicapped youth, would be an invaluable tool, both to direct service providers in the States and to Federal planners attempting to coordinate Federal efforts.

The Federal Government is beginning to take an active role in helping States with poorly integrated services to develop these coordinating capabilities and will be attempting to provide direction to insure the comparability of any new data from the States on the handicapped.

Additionally, with regard to other specific steps the Federal Government can and should undertake, we have proposed to the Congress that our capacity building strategy should also include changes which would:

Place more emphasis on the early education of handicapped children. There is evidence that exemplary programs can bring large numbers of preschool handicapped children into normal classrooms at school entry. We must strengthen our efforts in developing the education techniques which create these effects and encourage the States to generally adopt these preschool educational programs for handicapped children.

Broaden our authority to include all severely handicapped, including the multi-handicapped, severely retarded and severely emotionally disturbed with the deaf/blind. We are recommending a special focus by the Federal Government for these groups due to the economies of scale which would be realized in supporting regional programs to provide the extensive range of costly services required by these relatively small target populations.

Bolster the research efforts in prevention and diagnosis of handicapping conditions. While this is not primarily an area of educational intervention, it is necessary to encourage an interdisciplinary approach in solving the complex medical, social, emotional and environmental behaviors which usually constitute a handicapping condition.

In summary, the Congress and the executive branch have worked cooperatively in the last decade on behalf of handicapped children. Before enacting legislation such as S. 6, with its profound shift in Federal responsibilities, we feel that more careful analysis of the current roles played by the various governmental agencies at all levels is necessary. The legislation we recently proposed provides the means to continue our current programs with broader authority and new emphasis. At the same time, in concert with Congress, we should analyze all the Federal programs and examine in depth the question of all services for the handicapped. Education for handicapped children and related health and rehabilitation services will continue to be a major concern of the Department of Health, Education, and Welfare.

Mr. Chairman, that concludes my prepared statement.

Let me make some comments on the Mathias amendment.

We have a number of concerns about the Mathias amendment which I have expressed directly to Senator Mathias, so he is aware of them, which would lead us in terms of the negotiations between the Senate bill and H.R. 69 to prefer the House approach.

First of all, the Mathias amendment——

Senator RANDOLPH. I did not understand that.

Mr. CARLUCCI. What I am talking about, of course, is the bill in conference now. The House would simply extend for 1 year the existing education for the handicapped programs, parts B through G.

So, in terms of where the bill stands in conference, we would prefer the House version, the House approach to the handicapped, rather than the Senate approach.

Our specific concerns with the Mathias amendment are that it moves us, first of all, to an entitlement approach in the handicapped area. While, in a sense, that may be cosmetic since the existing program has a formula, it does tend to create more expectations for higher funding than may well be possible.

Second, the allocation mechanism in the Mathias Amendment gives us some concern in that it would penalize children who are outside the public school system, while such children are now being funded under the existing part B formula mechanism.

We also are concerned about the $15 level. We do not know whether $15 is the right level or not. We do not see sufficient safeguards in the Mathias amendment to insure that the funds would actually reach the handicapped. We would have to make such a determination presumably through postaudits. The auditing tasks here would be considerably larger, we think, than the auditing task in title I. That has proved to be a very large chore indeed.

Finally, we are concerned, because what we are really talking about is a temporary measure, and this would involve program shifts for a 1-year authorization period. Any time you shift the program, move the formula for a period of 1 year, it causes unnecessary disruptions.

So, Mr. Chairman, we do not favor the Mathias amendment.

Senator RANDOLPH. Mr. Carlucci, I am not certain whether you desire to have Mr. Cooke and Dr. Martin give formal testimony.

Mr. CARLUCCI. No; but they are prepared to answer any questions.

Senator RANDOLPH. They are accompanying you for purposes of clarification and colloquy?

Mr. CARLUCCI. That is right.

If any member would care to direct questions to them directly, please feel free to do so.

Senator RANDOLPH. Mr. Carlucci, I wish in this sense to give an opportunity to our chairman, who is the principal sponsor of the bill, to ask such questions as he might desire, and I am sure there will be other questions that Senator Stafford and I will probably have to direct to you and to your associates.

Senator WILLIAMS. Thank you very much, Mr. Chairman.

It has been some time since I have been sitting at a hearing with Mr. Carlucci as the witness. It is good to have him here again at our committee. He has been here many times when I have not been on the subcommittee or at the hearing.

But it is good to see him. He got a good start in formal education, educated at Princeton, Mr. Chairman. Anything that has gone wrong since then——

[Laughter.]

Senator RANDOLPH. I recall that when Yale came into being, that the Yale people spelled it out in black and white, and I might place it in the record exactly why they believed they should come into being and that was to correct the mistakes that had been created at Harvard.

[Laughter.]

Senator WILLIAMS. I would like to ask the Secretary for a little bit of clarification on the revenue sharing money he mentioned that is being specified for the needs and education of handicapped young people.

But, before I get into that, I might say that it seems to me that Mr. Carlucci has comprehensively described the basic needs here, and spent a great deal of time explaining why it is the Department's feeling that S. 6 does not clearly go to meeting these needs.

First of all, your response to the needs of the equal educational mandate given to us by the courts and the Constitution is that you see some happy result, I gather, from the amount of general revenue sharing moneys that have gone into new services in education, 39 percent.

Mr. CARLUCCI. I do, Senator Williams.

Yes, this is taken from the recent report issued in March on general revenue sharing by the Office of Revenue Sharing, Department of Treasury, which indicates that during the period from January 1, 1973, through June 30, 1973, the amount expended on education was some $664.3 million, which is 65 percent of total funds going to States, and is by far and away the largest single category. Of that $664 million, 39 percent went for new services.

The next largest amount is 6 percent going to social services to the poor or aged.

Senator WILLIAMS. That is for education broadly. That is not broken into areas of special expenditure?

Mr. CARLUCCI. That is for education broadly.

Senator WILLIAMS. Does that study show the amount of general revenue moneys that went to services to the handicapped?

Mr. CARLUCCI. I do not think it does. I am not sure whether they have broken it down.

No, it does not, Senator Williams.

Senator WILLIAMS. Has it been brought to your attention that GAO in its study of general revenue sharing money and its distribution shows that less than 1 percent was devoted to special education or other services for the handicapped? I am entering information on this which Congressman Brademas just released.

[The information referred to follows:]

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NEWS — Congressman JOHN BRADEMAS

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FOR IMMEDIATE RELEASE

BRADEMAS SAYS REVENUE SHARING SHORTS HANDICAPPED, CHILDREN, ELDERLY

WASHINGTON, D.C., Tuesday, June 11.....Congressman John Brademas (D-Ind.) stated here today that local units of government are "almost totally ignoring handicapped persons, children, and the elderly in the use of revenue sharing funds."

Brademas, chairman of a House subcommittee with jurisdiction over Federal programs to aid the elderly and the handicapped, released the results of a General Accounting Office investigation he requested on the utilization at the local level of monies provided under the State and Local Fiscal Assistance Act passed two years ago.

The General Accounting Office report, based on a survey of 250 local governments--including the 50 cities and 50 counties that received the largest amounts of revenue sharing funds in 1972--produced the following conclusions.

1. Only about three-tenths of 1%, or $4.3 million, of the $1.374 billion provided to the governments surveyed went to programs for the handicapped.

And only 18 governments spent any of their revenue sharing money on programs for the handicapped.

2. A little more than 1% of the revenue sharing money, or about $15.4 million, went for children's programs.

3. Only about two-tenths of 1%, or $2.9 million, of the total revenue sharing monies authorized for expenditure by the local governments surveyed were directed to programs to benefit the elderly.

Brademas noted that the figures on the elderly came from a similar GAO study released earlier this year by Congressman Claude Pepper, Democrat of Florida.

Said Brademas, "It seems clear that in the first years of implementation of revenue sharing, local officials appear to be ignoring the needs of the vulnerable segments of our society. For the handicapped, children, and elderly often have much less political influence at the local level than other groups.

"The State and Local Fiscal Assistance Act of 1972 provides $30 billion Federal dollars, with few strings attached, to state and local governments."

The South Bend Democrat, Chief Deputy Majority Whip in the House, said he hoped that the findings of the GAO studies would be considered by the Senate Government Operations Subcommittee on Intergovernmental Relations, which is conducting hearings this week to assess the impact of revenue sharing.

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For further information, please contact the Select Subcommittee on Education
(202) 225-[illegible]

Mr. CARLUCCI. I am not aware of that, Senator Williams.

I would simply call attention to your own statement where you indicated that Governors do attach very high priority to education for handicapped children and to the court cases, and the mandates coming from legislatures. Some 48 legislatures have now mandated services, equal education services for the handicapped.

As Senator Randolph indicated, there are a substantial number of court cases. So the option of not providing equal educational opportunity for the handicapped is rapidly being foreclosed to Governors, assuming that they did not intend to do so in the first place. I think that, by and large, they are coming to recognize this need and will take appropriate action with the surpluses that they have available.

Senator WILLIAMS. The testimony we have had on this legislation from all over the country has been quite unanimous, and we found very few examples to the contrary. The States told us that they looked to 1980 as the closest time that they feel they can fully meet their responsibilities under the law in this area.

Mr. CARLUCCI. I would argue with that, Senator Williams.

Dr. Martin tells me that Pennsylvania spent more than $40 million of its revenue sharing funds on education for the handicapped, which seems to indicate that it can be done.

It is a question of ordering priorities. When we have some 16 States that are contemplating tax reductions which are in addition to the tax reductions that occurred last year, it seems to me that Governors, if they wish to attach priority to implementing court decisions in this area, have the flexibility to do so.

I see once again no critical need by the Federal Government, which is running deficits estimated in 1975 of $10 billion, to be funding programs which have traditionally been State programs, when the States are being mandated by the courts to provide equal educational opportunities for the handicapped, and when the States are running substantial surpluses in the aggregate of $3.5 million.

This would very dramatically change the Federal role. We feel that education has traditionally been a State and local responsibility, and we do not see the full rationale for dramatically changing the Federal role at this time.

Senator WILLIAMS. Well, of course, this argument has been used at each point in each new national effort, and it was certainly the same argument that was applied 12 years ago before we embarked upon a broad national effort in education, and enacted the elementary and secondary education act. Opponents used the same argument you are applying in this special area.

We have answered that question.

Now, the question is, how to most effectively give Federal support in this area.

You feel that on many technical grounds S. 6 is not the way?

Mr. CARLUCCI. We have some technical problems with S. 6, which I have tried to lay out, the problem of integrated services, the problem of labeling, the problems of incentives.

One thing I did not mention is the problem that S. 6 would tend to penalize those States that have taken action.

More fundamentally, our concern is with the overall shift in the Federal role, the shift from the capacity role that we have played with increasingly more resources going into federally funded capacity building programs. Moving from that capacity building role to a services support role is the fundamental change in S. 6 that most concerns us.

Senator **Williams**. I hear what you say, but some of the best evidence of whether what you claim as being the proper Federal role is your own actions, and I would say that, is another matter.

My statement, and evidently you have seen it—says that "Funds for the training of personnel have risen from $34 million in fiscal year 1972 to a budget request of only $38 million in fiscal year 1975."

I see we are almost in a static situation.

Where do we get the capacity building out of that?

Mr. **Carlucci**. As I indicated in my statement, since 1964, overall the programs have gone up from $20 million to approximately $300 million.

Senator **Williams**. Is training of personnel an important part of that?

Mr. **Carlucci**. Yes, it is.

Senator **Williams**. That does not show any comparable increase. I would think, in your terms, the training of personnel is one of the most important elements.

Mr. **Carlucci**. We do agree that it is one of the most important elements, and we think that our programs are moving toward meeting a very substantial need.

Senator **Williams**. Have you found anybody that agrees with you back there where the educating is done at the local level?

Mr. **Carlucci**. Agrees with us?

Senator **Williams**. Yes.

Mr. **Carlucci**. That our training programs are worthwhile?

Yes, we think they are worthwhile.

Senator **Williams**. They are worthwhile in the sense that they are meeting the expanding demands of trained personnel?

Mr. **Carlucci**. They are moving toward meeting the expanding demands. I have not found anyone at the local level on any program that receives Federal money that does not think they should have more money.

Senator **Williams**. Not only money, but whether the job is being done of training the people that are needed.

Mr. **Carlucci**. We think that we are training people that are needed.

I would like to ask Dr. Martin to address himself to some of the things that are going on in the training area.

Dr. **Martin**. Basically, this program has been capacity building in the sense, Senator, that when the Federal effort began, there were only about 20 or 30 colleges in the country that were involved in special education training on a broad basis.

We funded over 300 this year. Our effort is not to try to provide scholarship assistance to every student, but rather to help develop capacity within that university to train.

We do offer some student support, but we also support faculty members as well.

But, from that support, there are estimated to be about 20,000 students graduating from programs this year, either at the graduate or undergraduate level, or who complete training at short term institutes.

The curve of trained personnel available for employment is up.

We are also making a major effort to try to retrain some of the teachers who are now regular education teachers, and who find themselves in a surplus situation.

Senator **Williams.** Our hearing record would quarrel with you on the point of the needs being met—it shows a much greater need for trained personnel. Now, another dollar figure here, the State Grant program.

The statement that you have seen, shows that this has gone from $37.5 million in fiscal 1972 to a request for $47.5 million in 1975.

Are those figures accurate?

Mr. **Carlucci.** Yes, sir.

Those figures are accurate.

Senator **Williams.** Again, this is very modest in terms of the now known new need.

It seems to me if we are going to reach 100 percent of the children in need of education, 100 percent of those who live with handicaps, we have to do a lot more.

My figures show since 1948 to 1972, we have seen limping increases in the number of handicapped children who receive special education, but we still have not reached the point where we reached 50 percent of those youngsters.

Mr. **Carlucci.** Senator Williams, in terms of overall funding of that part B, that has gone up from $2.4 million in 1967 to $47.5 million the figure that you cited for 1975. The number of children serviced has gone up from 53,000 in 1968 to 225,000 children.

I make two points. One is that this is still part of our capacity building strategy, because the purpose of part B is to initiate and expand programs, not to subsidize ongoing service delivery. In addition, there are a number of other programs which deal with the handicapped, and while we can take each one in isolation and looking at the funding increases in the aggregate, the funding increases and funding levels are very substantial. These run from the title I set-aside to the set-aside in vocational education and to a host of other programs, leaving aside what is being done in other programs outside of the Office of Education.

Senator **Williams.** That may be true, but still we are not even educating 50 percent of the population. Finally, at this point, Mr. Carlucci, you know we have had the opportunity in our hearings in many parts of the country of listening to those who are most familiar with the inadequacies of the education system today, and that is the parents of young people with handicaps.

They know what is missing, and they wonder how long they are going to have to live with the situation as it is where their youngsters do not have the opportunity for the services they need.

I followed your statement closely, and you say we have to think more about the problem, and we have to build capacity of local areas to deal with their own problems, but in the process, better than 50 percent of those young people who are known to be handicapped are being shut out of educational opportunities.

You say you have a legislation proposal that I gather you feel is designed to fill that gap and give some encouragement to the parents of these youngsters?

Is that bill before us? Has it been introduced?

Mr. CARLUCCI. It has been transmitted, Senator Williams.

Senator WILLIAMS. Transmitted from where to where?

Mr. CARLUCCI. From the administration to the Congress, it is my understanding. It has not been introduced yet.

Senator WILLIAMS. The administration has to have an agent for introduction.

Have they gotten an agent to introduce it?

Mr. CARLUCCI. Not yet, sir.

Senator WILLIAMS. There is nothing for us to hear.

How long has this proposal been blowing in the wind?

Mr. CARLUCCI. It came up, I understand, about 3 weeks ago or a month ago.

Senator WILLIAMS. We have the Mathias bill now in conference. We have this bill which we hope to be a comprehensive response.

Now, these are real proposals because they are pending legislation.

Mr. CARLUCCI. If I may comment, Senator Williams, on what I was addressing when I said we needed to study the problem more, I would agree that action is needed and that equal access has to be provided to our educational system for handicapped children. There is no question about that. There is no question that we are lagging behind. The courts are taking action. Many of the States are taking action.

The question that needs further study, it seems to me, is the appropriate Federal role, whether we should move from capacity building to a services strategy.

Let me emphasize that the legislation that we sent up does not put the Federal Government in a services role, and I think that that is the fundamental point of difference.

That is why I believe we need to think through the issue more carefully.

Senator WILLIAMS. I just saw an epitaph on a tombstone in my mind which read, "Here lies a man whose problem is being studied."

That is all I have for now.

Senator RANDOLPH. Thank you very much.

Yesterday I was in Arthurdale, Preston County, W. Va. We are celebrating the 40th anniversary of that community which was part of the subsistence homestead program which was the public works section of the National Recovery Act back in the 1930's.

Mistakes, we will say, were made, but we helped people, helped people move from unsatisfactory areas and very poor housing into the affluence of that section of our State, providing opportunities for purchase at modest prices, which you could have at that time, not today.

During the years, although there was money spent on the program throughout the country in some 60 projects, we were appropriating only $25 million at that time. Yet, there was a very great criticism of the cost of that program.

I remember it very well.

Since Senator Williams has talked about the marker with a certain inscription on it, I would wish to recall that in those first 100 days of the Franklin Roosevelt administration, that I remember many times in conferences at night on the second floor of the White House, by burning wood fire, that there would be continued objections to this and that.

I can almost hear now the fist of the President pounding on the table, "Well, gentlemen, you do not seem to understand that we must act now."

I am not attempting to tell that story to reinforce what Senator Williams has said about the procedure in the introduction of legislation, except to say he is correct, Mr. Carlucci, in indicating that we can only act on that which is before us.

I personally would hope that if there is an administration bill which has been forwarded to the Hill, that you will, within the modus operandi and appropriateness of having that legislation introduced, will secure its introduction, because I would not want any approach to be given less consideration than is needed.

So, I follow through on this subject, asking you what are you doing in the 3 weeks since the measure came to the Hill to have it presented to the Senate or the House, as the case may be, or do you believe that perhaps it is a matter, once on the Hill, that is to be determined by the leadership of the administration forces, either in the Senate or House?

Mr. CARLUCCI. Of course, we do have to work with the leadership in seeking to have the bill introduced and seeking to follow any legislative tactics that might be appropriate. And we are doing that.

I would hope that we could find someone, the appropriate person, to introduce the bill very shortly.

Senator RANDOLPH. Then the effort has been made to have the measure introduced?

Mr. CARLUCCI. Yes, sir.

Senator RANDOLPH. I am not trying to identify, of course, the persons interested or the persons who might be approached.

I am only saying that I think 3 weeks on the Hill with the measure should bring it to an introductory state, it would seem to me.

Mr. CARLUCCI. We are working on that, Senator.

Senator RANDOLPH. Mr. Carlucci, it is good to have an agreement with a witness at the outset.

I agree with you that the major responsibility for the education of children is at the State and local level. There is no difference of opinion.

I may differ with my colleagues here on that matter, but I feel just as strongly as you do about the major responsibility being within the State and local level.

I could argue that at another time.

But, now, that seems not to me to be the question. I am sure that you agree that the Federal programs that have been passed and that have become law, that there have come from these acts that have been placed on the statute book the impetus, the stimuli, the thinking through of a process of coordination, cooperation, which has not placed the Federal Government in the major role, but has placed the Government in a partnership with State and local political subdivisions in bringing education to our children.

Is that your feeling,

Mr. CARLUCCI. Yes; I think that by-and-large our programs have done that.

As you know, we feel, in general, that some of our education authorities ought to be consolidated to allow States and local school districts to have more flexibility in the administration of these programs.

But this is precisely the point I am trying to make, and that is that there are substantial differences between some of the existing programs and S. 6, not the least of which is the fact that we are talking of a measure that would inject some $4 billion in fiscal relief, according to our estimates.

As we cost out S. 6, we think it is going to be at least $4 billion. That is substantially larger than any education program that we have operating today. Secondly, it does it on an entitlement basis. We are really subsidizing excess costs, subject to State determination and State programs.

S. 6 does talk about fiscal relief to the States. I think really that is the central issue.

Senator RANDOLPH. You were talking about a sum of money rather than the modus operandi——

Mr. CARLUCCI. I am talking about money.

Senator RANDOLPH. I thought you said it was approval of the State?

Mr. CARLUCCI. The States would determine eligibility. In fact, that is one of the technical problems we have with the bill. The eligibility requirement would vary from State to State.

Senator RANDOLPH. I remember you spelled that out in your statement, which I read carefully.

Mr. CARLUCCI. The second aspect of it though is that it is a services approach of very substantial proportions, $4 billion, and the rationale used in the bill, or one of the rationales used in the bill is, and I read from section 2(a)(4), "States have a responsibility to provide this education for all handicapped children, but are operating under increasingly strained fiscal resources."

It is that kind of statement, Mr. Chairman, that I am taking issue with. I think the Federal Government is operating under increasingly constrained fiscal resources, while States are showing surpluses.

The bill also says that "it is the purpose of this act to insure that all handicapped children have available to them not later than 1976 a free appropriate education, to insure that the rights of handicapped children and their parents or guardians are protected, to relieve the fiscal burden placed upon States and localities when they provide for the education of all handicapped children," and so on.

It is the fiscal burden that we think they should be bearing, and they have the capacity to bear, while the Federal Goverment continues with its capacity building programs and R. & D. programs to try and develop a better approach to the teaching of the handicapped.

I think the bill deals with the fundamental question of the appropriate role between Federal Government and State government and local government.

Senator RANDOLPH. Well, the appropriate role that I endorse is a partnership. I am not thinking in any other terminology, and I want to clarify that matter as far as I am personally concerned.

Senator Williams, do you wish to comment on that part of section 2, that is lines 13 through 16, to relieve fiscal burden?

Senator WILLIAMS. Well, that follows upon our hearing record, and that was the statement from the States.

One of our first field hearings was in Massachusetts, and certainly it was true there.

I know the situation in New Jersey is equally true.

It might help us if Mr. Carlucci would tell us where we can get the description of the data that gives us this State budgetary surplus. I do not live in one of those States with that happy state of facts, and I do not know any States neighboring in the Northeastern part of the country—especially when you are talking about the expense involved in educating handicapped children. We know nationally that less than half of these children are being served. And we know that children most often receiving services are those whose educations cost the least.

Senator RANDOLPH. Mr. Carlucci, do you have that for the record?

Senator WILLIAMS. A lot of the States have a constitutional requirement that they have to work with an annual balanced budget, and they must work against that fact to make sure they do not overspend.

Mr. CARLUCCI. If I may, let me read from the January 1974 edition of State Government News, published by the Council of State Governments. On page 2 it says:

"1973, a very good year." And that is underlined. For the States 1973 was a black year, black that is in the sense of vastly improved fiscal conditions that allowed State legislatures to enact more net tax.

Subsequently, on page 8 it says:

> Most States experienced surpluses at the end of fiscal year 1973, improved fiscal conditions, and most States enabled legislatures to pass such measures as tax relief, increased State services, and additional capital projects.
>
> The largest surplus was California with $850 million. Alaska was the second largest with $642 million. Florida had a surplus of $300 million, and North Carolina had a surplus of about $209 million.

In terms of Northeastern States, I believe that New York is running a surplus, Senator Williams.

And then I have here—and this is done in NIA, National Income Accounts basis, but I have here State and local government aggregate expenditures and receipts put out by Data Research, Inc., indicating that in 1972 the aggregate surpluses were $13 billion. In 1973, it was $10.5 billion and in 1974, $5.5 billion. It projects $5.5 billion surplus in 1975.

I would be glad to submit this for the record.

Senator RANDOLPH. Without objection, the material will be included at this point.

[The information referred to had not been submitted at the time the hearings were printed.]

Senator RANDOLPH. Now, I think that it is important that we do give thought to this as we move along. In Congress we are asked at the present time to raise the debt ceiling, and we are asked for that on many occasions, but I am not arguing at the moment about the indefiniteness except to say that I think the interest here, Mr. Carlucci, the matter of priorities, as I think so often the matter of priorities, are very important to the membership of the Senate.

I am certain that I disagree with my colleagues here many times when I vote to cut the expenditures with aid of one type or another to countries other than our own. But that is only my feeling. I vote to give that money, which is going there, here in the United States, programs which I believe to be worthwhile.

Now, Dr. Martin, you are responsible for the implementation of the programs of education for the handicapped. I think it would be helpful if you would give the members of the subcommittee your convictions on how some of the provisions in S. 6 are administered.

Have you been discussing the individualized plans and evaluations with your colleagues in this important field, the field of the handicapped, and any of the procedures that you felt could be used, have they been demonstrated that they are effective?

I think it is also important for you to couple with your remarks on those matters: Do you believe that there is a more effective way, or what would you say is the most effective way of bringing those necessary—not just appropriate, that is not strong enough—those necessary services to handicapped children in our educational process, when we cannot move them into the regular school system, is that enough?

Are we achieving what we are attempting to accomplish through the measure now pending and other approaches, and that is a necessary quality education for handicapped children?

Would you help us in discussing this matter?

Dr. MARTIN. I think one of the most interesting parts of S. 6 is that it pays attention to this very important question of how you provide an effective education for an individual child. It reflects much of the discussion that has gone on around the country in relation to court suits and in relation to new State laws, dealing with the concept of not just having a child in a class, or a hospital, or an institution, taking up space, but actually getting effective programs is one of our major concerns.

I think you, Mr. Chairman and Senator Williams and Senator Stafford and other members of the subcommittee, in studying this legislation, have been extremely sensitive and responsive in focusing on that question of the individual child, and what you in fact want to offer to him or her.

Now, the individualized plan that is required in the bill is a step in the right direction in terms of focusing attention on the premise that each child should have an individual program. This is not limited to the handicapped, but the general welfare of all children in schools would be improved in my mind if we made every major effort to think about differences between one child and another and program for them.

The problem that I think we see, as we talk about it, may be in the management of those individual plans right now.

For example, you are dealing with 3 million handicapped children in the United States. On the average that means there are perhaps 300,000 teachers involved with these children, and it would be quite a large task to instruct each of those teachers in a way of developing this plan that they might share in common.

For example, in order to evaluate this bill on those plans, you would have to aggregate them in some way, and you would have to be able to make some comparisons between what the teacher hoped for the child, and what the child accomplished, and you might find them framed very differently.

A teacher in one community might say, we want the child to read to the best of his ability, and another might say we want him to go through chapter 6 of the text. Still another might say we would like him to achieve a certain level of reading achievement in school, and so on.

We might go on from those academic criteria to very important social criteria. For example, we would like this youngster to communicate more effectively with his peers, and feel better about himself.

I think our feeling is that, one, the intent of this individual programing is excellent. Two, that it follows very closely some ideas presented several years ago by my colleague Jim Gallagher, who at that time was Director of the Bureau, in which he talked about making a contract between the parents of the child and the school.

But I know that Jim Gallagher and I feel that perhaps it would be better in this particular case to first move to very large scale testing of the effectiveness of the individual plan and to develop the parameters of how to instruct the teachers on that plan before we write it in as a mandatory provision of Federal law.

The second part of the question deals with the effective methods, and as the Under Secretary's statement says, there are several possible approaches to developing whatever share of the costs represents the partnership you mentioned, Mr. Chairman.

We have listed several in the statement, ranging from assistance to parents, assistance with the cost of education, somewhat similar to the emergency school desegregation program, et cetera.

Our feeling is that the excess cost approach is particularly troublesome. It makes a great deal of sense conceptually. It may even be a very good approach at the State level. But the variation between States is so great that you might find yourself, for example, as a Member of Congress, appropriating twice as much money in one State as another, because of the cost of built-in teacher salary scales, and there are obvious questions of equity in that.

Second, the excess cost puts a tremendous burden on the Federal Government to get in and have a comparable accounting base in every one of 16,000 districts in the United States. They would obviously have to count the same way or we would not be able to be sure that there was equity in distributing dollars.

This would mean that there would have to be a massive reform of the way school systems account.

Now, I think some people feel that would be a very good idea. I have heard some estimates in which people have said in 10 years it might be hoped that every school system in the country would use a standard accounting system, and that this would be much more beneficial to legislatures and to the Federal Government. To understand that, but I do not think we could move into that between now and the time of the implementation of this bill because it would be such a gigantic task, involving not only determining the cost for handicapped kids, but in order to find basic costs for all children you would have to apply the system to all the children in the schools.

I think those summarize, Mr. Chairman, our thoughts.

In both cases, Congress is very sensitive in perceiving some needs, but our feeling is that these are very complex problems, and perhaps this legislation is heading in the right direction, but with some unnecessarily complicated approaches.

Senator RANDOLPH. I shall not continue this line of colloquy, because you have set forth your thinking.

At this point, Senator Stafford, will you proceed?

Senator STAFFORD. Thank you, Mr. Chairman.

First, one or two comments.

In the light of your remarks, Mr. Chairman, about the administration's bill, this Senator recognizes how resourceful the administration is. Undoubtedly that bill will get before this committee and the Senate in any event, but if it comes down to it that at some appropriate time we will see that that bill is before this committee so that it can be considered.

Then, Mr. Chairman, you commented on the role between Federal Government and the States in connection with the education. Your belief, as I understood it, is that the principal role should be exercised by the States.

Senator Randolph. Yes.

Senator Stafford. I just want to place on the record my hardy concurrence with that basic feeling.

That brings me to my first question, Mr. Secretary, and that has to do with S. 6.

Would it be fair to ask you if, in your opinion, the additional $4 billion which might be required for funding S. 6 would unnecessarily menace the role of the States in their predominant capacity in the educational field?

Mr. Carlucci. The concern that I have is one of the size of the program, coupled with the approach, which is a services approach. I think it tends to move us quite frankly, further down the road toward general Federal aid to education.

I agree thoroughly with Senator Randolph that we should have a Federal-State partnership. If you have that partnership, you then have to contemplate what the appropriate role is for each of the partners.

If the Federal Government can work in the areas of innovating capacity building and R. & D., rather than direct intervention and service delivery, I think we can then preserve the fundamental role of the States, yet contribute from the Federal level that which we are best able to contribute.

Senator Williams. Could I ask a question?

Senator Randolph. Sure.

Senator Williams. I do not understand the last phrase, Federal Government as intervenor and deliverer of services. There is nothing here about delivering services in this legislation.

Everybody recognizes that educational responsibility rests basically with State and local governments—we spend a lot of time talking about it, this is built into our national system—there is the responsibility, and there is where the job is done.

We are just talking about dollars, are we not? That is what the Federal definitions are, and that is to get the money to the place it will be used efficiently, and see that it is not wasted.

Mr. Carlucci. Senator Williams, I have a concern that large amounts of Federal dollars inevitably lead to a certain amount of Federal control. We have pointed to one provision in the bill which concerns us——

Senator Williams. Control, that is a new word. You said service delivery. Are those synonomous, control and service delivery?

Mr. Carlucci. I make a distinction between our existing programs, which are directed at innovation, R. & D., building capacity, expanding, as opposed to a bill which would subsidize the regulated delivery of educational services to the handicapped.

We think that if you move into the area of subsidizing the delivery of services to a particular group, No. 1, you separate out those children as Federal children, the handicapped then become Federal children; then No. 2, you inevitably follow with a set of requirements which lead to Federal intervention, such as a standardized accounting system at the local level.

I do not know off the top of my head if that is good or bad, but it is clearly Federal intervention if we move in and say if you want this money, you have to keep your books in a certain way. It is only a short step from this to intervention in a number of other areas.

Senator Williams. Is it intervention to do what Dr. Martin thinks is a good idea, the tailoring of the program to the child? Is that intervention?

Mr. Carlucci. It is not intervention that the bill would mandate it from the Federal level. We think this is the kind of thing that should be demonstrated first.

As Dr. Martin pointed out, maybe we ought to have a pilot project.

Senator Williams. That is another good question.

I am on your time, Bob, and excuse me——

Senator Stafford. Just take all of my time you want.

Senator Williams. I think I have been told that Pennsylvania, under the prod of a court decision, is doing exactly this.

Is that your understanding, Dr. Martin?

Dr. Martin. I think that there are a number of States that are exploring it, Senator, and are tending to develop such plans.

What we do not know yet is how it works.

For example, we have been running a major study on about 8,000 children in Texas, who are in integrated settings primarily, and we are trying to discover whether a plan developed in September is useful in May, and how many people have to be involved in keeping the plan up to date.

Our informal reports back from the Texas group are that a once a year plan may not be useful enough, that such a plan gets out of date too quickly, that plan writing has to be continually upgraded as the child learns. The teacher must be very much involved in it, that it cannot be just something done by the school psychologist and the principal, and so forth and so on.

Also, some plans may be more useful than others, depending upon how specific they are, how tied they are, to measurable accomplishments of the child.

We may sit around and look at it, and think a child is doing very well, but the question is, could we demonstrate that to the parents?

As I said before, I think the bill is extremely forward looking with regard to the plan, and is in this sense, on the cutting edge of this whole way of programing. But I am not sure we are ready yet, for example, to give advice to the States as to how their teachers should frame their plans in order to make them accountable as would be necessary.

I think, talking with Jim Gallagher as I mentioned earlier, he suggested that we might put aside $5 to $10 million for several massive studies in several different States so we could then develop the accurate indices for progress, and other details.

It is a very good idea, but I am not sure we are ready to apply it on 3 million to 6 million children yet, and get any sense of uniformity out of it.

Senator Williams. Well, you raise certain anxieties and problems. I think we will get to those when we get to the education people, we will put to them your dilemmas, and see whether they think the same dilemmas exist.

Senator Stafford. Mr. Secretary, or either of your colleagues who care to answer, the bill, as you comment in your statement, says Federal payments to State identification of the handicapped, and I think comments to the effect that there are a variety of State education to the handicapped, and my question is: are the definitions too broad, too narrow, or too diverse?

Would you care to comment?

Mr. CARLUCCI. Our concern is they are too diverse. I do not think we are at the point in the Federal Government where we would have a standard definition.

As I point out in my statement, this could presumably be cured by imposing the standard Federal definition. But this once again gets to the issue we were discussing earlier, that of intervention.

I think this kind of legislation always raises those questions. We are going to do away with the State capacity to vary their programs if we want to move down this road of fairly large Federal subsidies on an equitable basis.

Senator STAFFORD. My next question is going to be on the matter of Federal definition of the handicapped.

I gather from your statement, also, that labeling children "handicapped" carries a certain amount of stigma with it.

In the event the Federal Government should attempt some kind of national definition, would you have any suggestions, or would your colleagues, as to the terminology other than handicapped to describe the children?

Mr. CARLUCCI. Let me ask Dr. Martin to respond to that.

Dr. MARTIN. Senator, I think that we feel now under the Handicapped Act, that the Federal definitions of handicapped plays a useful role.

For example, they speak to a concern that the Congress has to make sure money is directed to a population of children who are known as handicapped.

Now, this may mean that one State would define a mentally retarded child as one who has certain characteristics, including, let us say, scoring 70 on IQ tests. No State relies solely on an IQ test, but it is one of the major indices.

Another State may choose 75. The Federal Government does not impose upon them a Federal choice. We say if you treat this youngster as retarded in your State, under the general procedures, then you can have a child share in those Federal programs if he meets your own criteria. But we do not have a single Federal criteria.

Now, the question, I think, here is an important one, because the States are interested and concerned with the problem of how it provides services for children, how to direct resources toward them, how to be sure the right children get help, and at the same time not impose on any youngster a label which might not be to his benefit.

The way to do that, I think, in part is to separate the funding from the labeling of the child, that is, you can use the condition of handicapped as parameters to describe the population, but you do not have to label or identify a given child.

I think one of the questions raised about S. 6 is whether there would be encouragement in a State to call a given child handicapped in order for him to qualify for a Federal share. I think the answer is that I do not think we are ready to move away from the concept or identification of handicapped as a generic group, but we can separate that from the program for the individual child, and I think that would be a direction that the congressional considerations might go in.

Senator STAFFORD. Is there a danger that the definition of handicapped could be too broad, and include so many different categories of people and children that funds would simply be shotgunned out, and not be very effective anywhere?

For example, would it be considered to be a handicapped child if the child speaks pretty good French, but not very good English, but is very bright?

Dr. MARTIN. I think there have been abuses of that historically.

One of the famous court suits on the west coast dealt with the identification of Chicano children as retarded on the basis of language barriers. But in general I would not expect that to be a problem, particularly with our increasing sophistication about it.

I think if you are sitting in a local school district, Senator, and if you have a borderline child, and if the situation should be one where the Federal share was greater than the local share in educating a handicapped child, there might be an incentive to call that child handicapped in order to get three-quarters of the costs as the Federal share.

If the balance were the other way, and the local government had to put up more money than the Federal Government would repay them, then it would not be cost-effective to be overly generous in identifying children as handicapped.

Mr. CARLUCCI. If I may just add, since you have raised the question of bilingual—and I did testify recently in the House on that subject—I think there are parallels which heighten our concern with regard to S. 6. Parallels--we have a court decision in the bilingual area, lack of linguistic ability is defined as handicap, and if we are going to pass this kind of measure for physically handicapped, should you not have a parallel measure for the linguistically handicapped, and then what about some of the other educational handicaps that might exist?

Hence, we are starting ourselves down the road to a broad services approach by the Federal Government in a variety of areas.

That is once again the fundamental concern that we had with this legislation.

Senator STAFFORD. On page 8 of your statement, Mr. Secretary, you discuss some of the alternative problems, possible alternative roles for Federal aid, a Federal role in aiding the handicapped, in addition to, or instead of S. 6.

I just want to express my concern that when we start thinking about alternative possible roles in this field, the difficulty is while we are thinking about alternatives, instead of enacting some legislation, nothing happens. That is a concern that this Senator has.

That leads me to my last question. That is, if S. 6, or something very similar to it is enacted by the Congress and becomes the law of the land, is it a program that your Department can administer?

In responding, you might also comment on the administrative role it would impose on HEW and the Department of Education.

Mr. CARLUCCI. Certainly we could determine the formula, particularly since the bill reads on the best data available.

I think we would have some problems with the question of the accounting system. We would have some problems in administering the individualized plan.

I have not been through the bill with Dr. Martin in terms of its administerability, but I would assume there would be some problems, but I think we could administer it.

Dr. **Martin**. I think that is right. We would have the question of individual planning, and what becomes most important, to evaluate. We would probably have to move away from literal evaluation on the basis of the 3 million individual plans for some kind of conceptual evaluation, rather than what might specifically be called for right now.

Those would be the major problems. Even then, of course, we have to expand our number of people involved a great deal because there would be a tremendous amount of money out there, and we would have to be accountable for it. That would be an ongoing problem, to make sure that children were not overly identified to participate in this program, to insure that the costs were in fact accurate costs, and not inflated, and so forth.

There is tremendous administrative mechanisms that would be required, as you would expect in any large program.

Mr. **Cooke**. I might add a comment, Senator, if I could.

One of the provisions that is in the current bill being considered by the House-Senate conference, which leads to one of your earlier concerns, is the so-called Buckley amendments, in which you would have—the way they are presently drafted—you would have to get parental consent before you could get any data on children.

I am sure you are aware, as Chairman Williams and Senator Randolph, that there are parents who have grave difficulties in accepting the fact that their child is "mentally retarded."

This could add significant difficulties perhaps in an individualized plan, dealing with it, depending on how of course the House-Senate conference comes out on that amendment.

But there are these concerns about privacy and parental consent, in which both the House and Senate versions of H.R. 69 demonstrate.

Senator **Stafford**. Thank you very much. That completes the number of questions I had, Senator Williams. If you have more, I will yield.

Senator **Williams**. I think we better get on. There are more questions, of course, on this profound subject matter, which I will submit to you in writing, Mr. Carlucci.

I will say that we have finally come to the end though, and we are dealing with a constitutional finding that equal protection in this area means that handicapped youngsters are entitled to equality of education. It costs more money because it takes special effort.

These legal decisions affecting definitions and equal protection are rather recent, and it is a great burden upon our States in terms of money to meet the constitutional mandate. That is what we are here for, with all the complexities of finding ways to honor the Constitution, and I appreciate the way the Department is doing this early card analyzing.

I would just acknowledge that we are not going to fall on our face as a nation in meeting this constitutional protection that is afforded to those who are handicapped.

Mr. **Carlucci**. We would agree with that, Senator.

Senator **Randolph**. Thank you very much, Mr. Carlucci, you and Dr. Martin, and you, Mr. Cooke.

We would appreciate your continued counseling, Mr. Carlucci, and that of your associates. I would not want anyone to think that because of differences today that there is any closed door to this process of continuing to work here with downtown, as it were, on matters very real and of urgent importance to this group of handicapped children.

We have to have a partnership of the political levels of government in meeting the needs of our people.

Thank you very much.

Mr. CARLUCCI. Thank you, Mr. Chairman.

[The questions submitted by Chairman Williams with the administration's responses and the prepared statement of Mr. Carlucci follows:]

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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 5, 1974

The Honorable Frank C. Carlucci
Under Secretary
Department of Health, Education
and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Dear Mr. Secretary:

I am enclosing additional questions to your Department regarding your testimony on June 17, 1974 on S. 6, the Education for All Handicapped Children Act.

I would appreciate your returning these questions, with your answers as soon as possible, but no later than July 15, to me.

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

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[Questions submitted by Senator Williams to the Administration]

1. On page 2 of your testimony you say that the cost of S. 6 "would probably exceed $4 billion per year." Could you provide us the data on which this estimate is based?

2. On page 3 of your testimony you cite a statement from the recent Rand study. That study, as you know, examined all services to handicapped youth and not simply educational services. While there is no question that the availability of health and diagnostic services affect educational opportunity, we are also faced with the failure to provide even the most basic accessibility to educational opportunity for many thousands of handicapped children. A recent paper done by Jones and Wilkerson states that finance is the "universal concern of administrators of special education as they attempted to implement special education program plans required by the Indiana mandatory special education law... Sixty--eight percent of the study group reported the state would need to provide at least fifty percent of total program cost to insure program implementation." Throughout our regional hearings on S. 6, we have heard from state officials and Governors that, in fact, special education can be provided, but that it will take until 1980, and in some cases much longer, to provide these services. (This was true of Minnesota, North and South Carolina, Vermont, North Dakota.)

Are you suggesting that the Federal Government has no responsibility in assuring equal protection of law, and should wait until 1980 or later to provide services which would be provided now?

I find your statement about integration of services fascinating in light of recent HEW actions on such programs as the Intermediate Care Facilities regulations. The Department could have single-handedly required each such facility to meet certain standards, particularly related to developmental and educational programming, and it refused to do so, despite the recommendations of the Department of Justice.

Furthermore, we provided the necessary flexibility in the rehabilitation program under the S. 7 draft to provide programming to all handicapped individuals who might eventually have vocational potential. If you recall, the President's veto message cited that point as the reason for vetoing the program. Could you please comment on the consistency of your position in this regard?

3. (Page 4 of testimony) Who are the proponents of the school of thought that "would simply embrace all special education costs as a Federal responsibility?"

4. You argue throughout your testimony that education remains the responsibility of the local and state governments, and that with the increasing pressure from court cases and mandatory law that these governments will take on this responsibility and respond admirably.

There are, however, a number of mitigating circumstances which strongly argue for the need for Federal assistance. We have found, over the history of programs for education of handicapped children that: (1) families tend to move to areas where they can locate services for their children, and this is a highly onerous burden on families and places substantial additional fiscal burdens on those places where they locate; (2) there is ample evidence to suggest that children with handicaps may be more concentrated in areas of poverty; (3) we are most likely to find services available for mildly handicapped children and because these services are lower in cost. Sister Marie Thomas has found in a recent study that per capita income correlated most directly to the percentage of handicapped children served; Jones and Wilkerson have found that, despite the higher increase in growth of expenditure for the education of handicapped children than for other areas of education, the percentage of educational dollars spend does not come close to the percentage representation of handicapped children in the general population of children. Percentage of education dollars spent for handicapped children varies from a low of about 1% in Arkansas to a high of 8.4% in Connecticut despite a minimum figure of 10% handicapped children in the general population. The National Education Finance Project has recommended Federal assumption of areas of high cost where it is clear that expenditures for education are much higher than the average and are unevenly distributed. They cite the education of the handicapped as one of those areas.

If you refuse to accept education of the handicapped as an appropriate area of educational expenditure, how would you propose that these problems be solved? Do you propose that Connecticut, for example, assist the State of Arkansas directly?

5. You have cited state budget surpluses of $11 billiob for FY 1973, $5.5 billion for FY 1974 and $19.8 billion for FY 1975.

   --Please supply the supporting figures explaining how these figures were obtained, the individual figures for each year by state.

   --Please provide an explanation of why these figures vary so greatly over the three years.

   --Please also provide comparable figures on surpluses or deficits by state from FY 1966 through FY 1972.

6. On page 5 of your testimony, you argue that where the incidence or concentration of special educationpproblems is high in a local district, or where the discal capacity of the school district is low, that the state has a major role to ensure that all children are provided equal educational opportunities. Would you agree that this argument transfers logically to the Federal role?

7. On page 6 of your testimony you say that state and local educational systems would be encouraged by S. 6 to continue older and less effective educational practices rather than to accept more effective methods. Would you be more explicit, i.e.?

   --what older and less effective practices?

   --why would S. 6 encourage that?

   --what more effective methods would the bill fail to encourage?

   --why would it fail to encourage these more effective practices?

8. On page 6 you also say that uniform accounting practices needed to implement S. 6 would be unwanted Federal intervention. What evidence do you have that such practices would be unwanted?

   Our hearing record documents no such argument. In fact, testimony from the Chief State School Officers, from many individual states, from Dr. Richard Rossmiller, and, indeed, from Governor Hall supports this approach entirely.

9. On page 7 you say that the formula makes no differentiation as to different types and severity of handicap. However, the formula itself takes into account the different costs of educating children with different types of handicaps.

--Do children with mild handicaps and children with severe handicaps differ in their right to education?

10. Page 7 of your testimony also raises the problem of "labeling," and I presume that you are talking about "inappropriate labeling" or the attaching of a label which either results in a long-term tracking regardless of change of condition, or the attaching of a description of the child's conditions without providing the necessary services need to assist the child. As you know, the legislation contains a funding formula which provides an entitlement based only on children identified as handicapped for whom the state is currently providing education services, and bases the amount of entitlement on the current expenditures made for that child's education. Under this formula, padding the numbers of children identified without increasing the expenditure is not an effective mechanism of increasing the funding available under S. 6.

Furthermore, in order to provide a child appropriate educational services, the child must be diagnosed and the school system must estimate the kinds of services he needs. The category the child is placed in for these services need never have a stigmatizing effect. The legislation does include most of the procedural protections coming from court cases such as Diana, PARC and Mills and provides that the state must have a plan which ensures that all children be extended educational services by 1976.

As you note, mislabeling is a phenomenon that has been litigated in the last few years. It is also a phenomenon that will not disappear because the Federal Government buries its head and says we want no part of this. In situations like this, it seems to me that we must work in good faith with local and state education agencies to assist them in avoiding such problems, and unless you care to damn the entire system of education on this basis, the protections in the legislation can be drafted to provide a much better situation than is now the case. It is also true that throughout the history of civil rights legislation and litigation in this country, the class of individuals has been identified and has had to be identified in order to assure the elimination of discrimination. I would venture to say that it is no less true in the area of education of handicapped children than it has been true in employment discrimination, bilingual education, and desegregation.

It seems to me that the final position that your logic leads us to is that the Federal Government should wait until all educational tools are tested, and until we have all the knowledge we need before we make any efforts to assist in this area. Yet by your own figures, the population served has grown only from 38% in 1968 to slightly over 42% today. This position effectively voids the right to education of many thousands of handicapped children for the near future, and is a position which is violative of the Federal Government's responsibilities under the 14th Amendment. Could you comment on this?

11. You say on page 8 that your experience with funds authorized for target populations has not been good. What programs are you talking about? It seems to me that, on balance, the record on such programs as Title I, P.L. 89-313, Head Start, and Follow Through, Title VI B and the BEOG and EOG programs have been very good. Could you comment on this?

12. The Federal Government in this area has argued for "capacity building" now for close to 10 years. Your Administration has had the authority now for 6 years to test out the alternatives that you suggest in your testimony, and to date we have seen little movement on your part to undertake any major inroads which could lead to resolving this problem.

When you consider, as Assistant Secretary Trotter has suggested in her confirmation hearings, the cost effectiveness of providing educational services when they are needed, as opposed to providing maintenance payments as we will have to continue to do for these children when they become older, the logic of your position is unclear. Is it not true that failure to invest in this area really undercuts the Administration's theory of reduction of dependency?

13. PLEASE PROVIDE FOR THE RECORD THE FOLLOWING DATE AND INFORMATION:

Total dollars being spent for the education of handicapped children under: Title I (Part A), Title I (PL 89-313), the Vocational Education Act, Title III, ESEA, Title VI B, EHA.

Total dollars being spent under other Title VI programs by function.

--The estimated number of children served by each of these authorities.

--the average per pupil expenditure by state for general education, for the education of handicapped children.

--the average teacher salary by state, for all teachers, and for special education personnel.

--the most recent figures for total number of handicapped children by state: by disability.

--the percentage of handicapped children served by state, and by disability.

--the total amount of money spent on the education of handicapped children within a state (and the percentage contribution by state and locality) and the total amount spent in institutionalized settings and the total amount in public school settings.

--the total amount of money spent on all elementary and secondary education within a state (and the percentage contricution by state and locality).

14. If the excess cost formula is adopted, do you have recommendations as to how this should be defined?

[Responses by the Administration to questions submitted by Senator Williams]

1. On page 2 of your testimony you say that the cost of S. 6 "would probably exceed $4 billion per year." Could you provide us the data on which this estimate is based?

Using the Rand estimate of the average excess cost of educating a handicapped child of $879/year and assuming that 10% of all children ages 3-21 would be eligible for service, 75% of the excess costs would be about $4 billion. If higher estimates of the excess cost or the number of handicapped children are used the Federal share could easily exceed $6 billion. For example, the costs implicit is assuming that 15% of all children require excess service are almost exactly $6 billion. There are further indications that to implement the kinds of exemplary programs developed by BEH the excess costs would probably exceed the $879 average.

It is also interesting to note that those States serving a high percentage of their handicapped children generally have a lower average expenditure per child than those States which serve low percentages of their handicapped youth. Whether this reflects only the high cost of serving only the severely handicapped, or reflects various other factors is not known, but it probably foreshadows further inequity in the S. 6 formula.

3. Who are the proponents of the school of thought that "would simply embrace all special education costs as Federal responsibility?"

Supporters of any bill which mandates Federal assumption of a majority of the costs of a particular program which is currently a State responsibility tacitly assume support of those program activities to be a Federal responsibility.

4. You argue throughout your testimony that education remains the responsibility of the local and state governments...There are, however, a number of mitigating circumstances which strongly argue for the need for Federal assistance... If you refuse to accept education of the handicapped as an appropriate area of educational expenditure, how would you propose that these problems be solved? Do you propose that Connecticut, for example, assist the State of Arkansas directly?

We have, in carrying out and administering the Congressional mandate under handicapped education laws, accepted this area as a proper one for Federal expenditures.

Federal investment has grown from less than $45 million in FY 1966 to nearly $300 million in FY 1974. Resources for education of the handicapped will continue to grow in an effort to assist States in developing their capacity to serve all handicapped children.

In our efforts to serve the handicapped we must recognize that the Constitution has left responsibility for education to States. However, we have been using Federal dollars to underwrite programs that are considered not to be cost-effective at the State level or where significant economies of scale can be gained by direct Federal involvement. For instance, we are providing service support for low-incidence populations such as the deaf-blind where costs are disproportionately high and the ability of the States to support effective programs for these children is not good. We are investing $5,000 per child annually in this effort.

Similarly, the Federal government has invested resources in stimulating State and local program development and investment in education of the handicapped. We have sponsored demonstration projects that permit State and local education agencies to see a program in operation before deciding to fund it themselves. We have paid initial investment costs; State and local governments then pay only annual operating costs. Demonstration projects have lowered both risk and cost to State and local governments of undertaking special education projects.

Our policy then has been to consider expenditure for education of the handicapped as a legitimate federal expenditure. It is a flexible policy that is dependent upon our assessment of the most effective use of resources within the parameters of a legitimate federal role.

To quote a recent paper by Richard A. Rossmiller the author of the handicapped section of the National Education Finance Project:

> "The fact that education in the United States is primarly the responsibility of the individual states is firmly established. Although the federal government has a legitimate interest in education because it is responsible for the general welfare of the people, it has no constitutional authority to control education. This authority rests with the individual states. Although most states have delegated to local educational agencies considerable responsibility for the day-to-day operation of schools, the ultimate responsibility for providing public education remains with the state. If children are denied equality of educational opportunity by existing finance plans, or by patterns of school district organization, it is the state which is at fault. The state created local school districts and established finance plans and has both the authority and responsibility to change them." 1/

1/ Financing Educational Programs for Handicapped Children

7. On page 6 of your testimony you say that state and local educational systems would be encouraged by S. 6 to continue older and less effective educational practices rather than to accept more effective methods. Would you be more explicit.

We believe that S. 6 has the potential of fostering a certain rigidity in the provision of educational services to handicapped children.

By requiring identification and labelling of handicapped in order to receive funds under S. 6, we are perpetuating the identification, labeling and certification of children as being handicapped. In order to assure equity in the distribution of resources among States, we would have to establish a uniform definitional code which could bring about a rigid and static approach to the education of handicapped children. At a time when we are working to reduce and eliminate labels and segregated classrooms, we believe this would accentuate the problems. There is no incentive in the funding of S. 6 to reduce the number of handicapped children in the state, to delabel children, and to return them to regular educational programs without continuing to call them handicapped.

The excess cost element, by providing a State with 75¢ of every extra dollar that they spend for handicapped children, could act to encourage State agencies to label additional children "handicapped" in order to acquire resources to support children in other special areas. This could act to increase the potential population called "handicapped".

In addition, there is little incentive to remove handicapped children from self-contained special classrooms to individualized or "mainstreamed" education. Since the Federal government would be paying 75% of all additional costs, the difficulties of designing individualized programs outside of self-contained classrooms would not be attractive to already over-burdened State education departments. Complacency in delivering separate services apart from real needs or new concepts could, in our opinion, inhibit new and more enlightened methods of service delivery; such as resource programs, regular classroom service for the handicapped, and itinerant teacher programs.

8. On page 6 you also say that uniform accounting practices needed to implement S. 6 would be unwanted Federal intervention. What evidence do you have that such practices would be unwanted? Our hearing record documents no such argument. In fact, testimony from the Chief State School Officers, from many individual states, from Dr. Richard Rossmiller, and, indeed, from Governor Hall supports this approach entirely.

The hearing record of June 24, 1974, the day on which both Dr. Rossmiller and Governor Hall spoke before the Committee, also included the testimony of Dr. Harrie Selznick of Maryland. Dr. Selznick, who has done some of the most of the careful cost accounting of special education at the LEA level, expressed considerable doubt about the possibility of implementing OE's Handbook II accounting system or any other common accounting system even though Maryland has one of the least complex school systems in the nation. Additionally, information gained from the Common Core of Data field visits to ten States indicates considerable reluctance to implement a common individual pupil accounting system which would be required to implement S. 6. New York estimated that $5 billion and a specially trained data clerk in every school in the State could be required to operationalize such a system. Certainly it makes little sense to press a formula which requires data generation activities in excess of the total amount to be appropriated for educating handicapped children.

Finally, Dr. Rossmiller's contention that S. 6 would result in minimal Federal interference is misleading. The institution of common accounting procedures, including many procedures which would conflict with existing State laws, would be Federal intervention at a fundamental level.

To document the extensive nature of the change required by common accounting, the Department has conducted a special nine State survey of data used at the State level to determine excess costs for special education. Preliminary analysis of the survey indicate that none of the States had adequate data to determine excess costs and that accounting systems vary greatly from State-to-State. We hope to share this information with your committee staff in early October when our report is written.

9. On page 7 you say that the formula makes no differentiation as to different types and severity of handicap. However, the formula itself takes into account the different costs of educating children with different types of handicaps.

--Do children with mild handicaps and children with severe handicaps differ in their right to education?

We are in full agreement that all handicapped children deserve a full and equal educational opportunity. The only differentiation that we draw between children with mild handicaps and those with severe ones is the acknowledgement of Federal responsibility. We provide greater amounts of aid for severely handicapped populations because the associated service costs are so very great and such populations are low incidence and not evenly distributed throughout the school districts in the country. The combined effect of these factors is to create a highly differential and inequitable burden on school districts if they are left to assume total support for the severely handicapped. The same factors lead to significant economies of scale in the provision of services.

S. 6 provides no assurance that States will in fact use dollars provided to serve these severely handicapped children or low incidence-populations in the same proportion that they receive allocations from the Federal government. Until a common accounting system, satisfactory to all parties is developed, there can be no tracing of Federal dollars allocated for specfic purposes to determine if they have in fact achieved their objectives for unserved and catastrophically afflicted children. We would be concerned that we cannot assure Congress of complete accountability for resources provided. We believe that the development of the criteria mentioned for determining the handicapped children to be served and for determining the categories of expenditures to be utilized in calculating State and local expenditures is a difficult and long range task. It requires study, testing and demonstration with the cooperation of the States and their agreement prior to massive implementation. Until such competent common accounting practices and uniform definitions can be designed we are inviting conflict over these matters. It is our belief that the urgent and necessary cause of equal education for all handicapped children would be ill-served if we placed undue complications into Federal-State relations in this area.

13. Please provide for the record the following data and information: ...

Most of the data and information requested in this question are not available in a meaningful way. We have provided for the most recent year available (FY 71) the data on children served and dollars expended for Title I, 89-313; Part B, EHA, and the Vocational Education and Title III set asides. While figures are available for other programs under Title VI, it would be misleading to correlate expenditures with pupils served, as these programs serve children only incidentally. These programs are primarily capacity building focusing primarily on training and demonstration, activities which should have large impact beyond the individual children served directly by Federal funds.

The average per pupil expenditure, average teacher salary, number of handicapped children, percentage served, and total expenditure questions are not currently available on a comparable basis. While cost and salary figures which are generally used are available for regular education, the figures available in special education are extremely misleading due to variance in State definitions for the handicapped and data collection efforts. Most State figures of the standard 10% estimate of the population await confirmation by more reliable procedures of identification and diagnosis.

BEH, NCES and ASPE are currently involved in attempting to develop excess cost data on the education of handicapped children for a nine State sample using all existing State data sources. The results of the study, reporting both the availability of the data and those cost comparisons which can be drawn will be available in early October and we will be sharing them with you.

A. STATISTICAL OVERVIEW

This review addresses the February 1973 operational status of two federal programs administered by the Aid to States Branch - Part B, Education of the Handicapped Act, and Public Law 89-313, Amendment to Title I, Elementary and Secondary Education Act; and two programs monitored by the Branch which have set-aside components for handicapped children-- Title I, Elementary and Secondary Education Act, and the Vocational Education Act. It is an attempt to identify significant accomplishments achieved over the past several years, and to examine important issues needing resolution in order for the programs to achieve their intended objectives. The ultimate goal of this review, is that through a more careful study of facts and trends, each of the programs under consideration here can be more effectively directed to provide purposeful and insightful educational services to handicapped children of the nation.

I. Children Served

a. Direct, Child-Centered Services: All four ASB programs addressed by this review are child-centered, direct-service programs.

b. Number of Children Served: An estimated total of 919,438 handicapped children received direct educational services in projects funded wholly or in part under these programs during FY 1971.

TABLE I

NUMBER OF HANDICAPPED CHILDREN SERVED UNDER PART B. EHA:
P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Program	Children Served
Part B, EHA	335,075
PL 89-313	195,881
Title III, ESEA	179,801
Voc. Ed.	208,681
Total	919,438

(See Supplementary Table I for further details.)

c. Types of Children Served: Under these four programs, the following types and approximate numbers of handicapped children were served:

TABLE 2

CHILDREN SERVED, BY TYPE OF HANDICAP, UNDER PART B, EHA;
P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Type of Handicap	Number Served	Percent Served
Trainable Mentally Retarded	122,760	14%
Educable Mentally Retarded	324,777	35
Learning Disabled	58,442	6
Emotionally Disturbed	84,439	9
Other Health Impaired	23,004	3
Crippled	23,409	3
Visually Handicapped	30,302	3
Deaf	38,577	4
Hard of Hearing	46,227	4
Speech Impaired	167,501	18
Total	919,438	100%

(See Supplementary Table I for further details)

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d. Number of Children Served According to BEH Objectives: Under the programs, the following children were provided services according to BEH objectives:

TABLE 3

HANDICAPPED CHILDREN SERVED, BY BEH OBJECTIVE, UNDER PART B, EHA;
P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

BEH Objective	Number Served	Percent Served	Funds Expended
Preschool (Ages 0-5 yrs.)	47,586	5%	$6,006,219
Career Education	287,016	30%	46,157,856
Severely Handicapped*	122,760	13%	27,050,007
Full Services	919,438	100%	132,472,320

*Includes trainable mentally retarded.

(See Supplementary Table II for further details.)

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e. Number of Children Served in Day and Residential Programs, Compared

Of the children participating under PL 89-313 projects in FY 1973 40.1% are in attendance at day facilities rather than in large residential facilities away from their homes. This percentage of day school programming as compared to residential placements has made a dramatic increase over the past few years.

TABLE 4

NUMBER OF HANDICAPPED CHILDREN REPORTED IN AVERAGE DAILY ATTENDANCE IN DAY AND RESIDENTIAL PROGRAMS, FOR PURPOSE OF COMPUTING ALLOCATIONS UNDER P.L. 89-313, FY 1966-73

	Day Programs		Residential Programs	
Fiscal Year	Number Served	Percent	Number Served	Percent
1966	835	1.3%	64,605	98.7%
1971	17,818	14.7	103,750	85.3
1972	27,775	21.1	104,056	78.9
1973	63,442	40.1	94,575	59.9

f. Number of Children Served in Projects

The total of 919,438 handicapped children served under the Part B, PL 89-313 & Title III programs participated in 3,465 projects, with an average of 265 children participating in each project.

2. Personnel Trained and Employed

a. Personnel Receiving Inservice Training:

Inservice training was provided personnel serving handicapped children, as follows:

TABLE 5

ESTIMATED NUMBER OF PERSONNEL RECEIVING INSERVICE TRAINING UNDER PART B, EHA; P.L. 89-313, TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT, FISCAL YEAR 1971

Program	Personnel Trained	Funds Expended
Part B, EHA	67,307	$3,234,793
P.L. 89-313	17,607	2,733,341
Title III, ESEA	N/A	4,627,751
Vocational Education	1,097	220,497
	86,011	$8,387,676

(See Supplementary Table III for further details.)

b. Teachers and Teachers Aides Trained:

More than 60,000 teachers and over 7,000 aides received inservice training in connection with Part B and PL 89-313 projects.

c. Personnel Employed:

Personnel employed for the purpose of providing services to handicapped children, were as follows:

TABLE 6

NUMBER OF PERSONS EMPLOYED UNDER PART B, EHA; P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATIONAL ACT FISCAL YEAR 1971

Program	Personnel Employed	Funds Expended
Part B	9,654	$26,640,700
PL 89-313	16,316	38,798,828
III, ESEA	N/A	N/A
Voc. Ed.	3,609	24,331,878
Total	29,579	$89,771,406

(See Supplementary Table IV for further details.)

3. Project Conducted:

a. Number and Size of Projects: The number and size of projects conducted were as follows:

TABLE 7

HANDICAPPED CHILDREN SERVED IN PROJECTS UNDER PART B, EHA;
P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Program	No. of Projects	No. Children Served	Average No. of Children Served Per Project
Part B, EHA	2,064	335,075	162
P.L. 89-313	1,091	195,881	179
Title III, ESEA	310	179,801	580
Voc. Ed.	N/A	208,681	N/A
Totals	3,465	919,438	265

(See Supplementary Table V for further details.)

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b. Number of Projects Conducted According to Objectives: Certain objectives appeared as principal areas of attention in projects conducted under Part B, EHA, and PL 89-313. Refer to Table 8, next page.

4. Funds Expended:

a. Funds Expended by Program:

An estimated total of $132,472,320 was expended on behalf of handicapped children in projects under the four ASB programs, during FY 1971. Refer to Table 9, next page.

TABLE 8

NUMBER OF PROJECTS CONDUCTED, BY PROJECT OBJECTIVES
UNDER PART B, EHA; AND P.L. 89-313
FISCAL YEAR 1971

Project Objective	Projects Under Part B, EHA	Projects Under PL 89-313	Total
BEH Objectives			
Early Childhood	463	455	918
Inservice Training	736	393	1,129
Career Education	193	219	412
Pro. for Severely Handicapped	403	422	825
Other High-Frequency Objectives			
Behavior Modification	212	193	405
Communication Skills	141	128	269
Diagnostic Services	222	46	268
Individualized Instruction	306	171	477
Instructional Materials	184	55	239
Language Development	212	166	378

(See Supplementary Tables VI and VII)

TABLE 9

FUNDS EXPENDED UNDER PART B, EHA; P.L. 89-313; TITLE III, ESEA;
AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Program	Funds Expended
Part B, EHA	34,000,000
PL 89-313	46,129,772
Title III, ESEA	18,470,646
Voc. Ed.	33,871,902
Total	132,472,320

(See Supplementary Table VIII)

b. Funds Expended by Type of Children Served: Funds were expended by type of handicapped children, as follows:

TABLE 10

FUNDS EXPENDED BY TYPE OF HANDICAPPED CHILDREN SERVED;
UNDER PART B, EHA; P.L. 89-313; TITLE III, ESEA; AND
THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Type of Handicap	Funds Expended	Percent Expended
Trainable Mentally Retarded	$27,050,007	20%
Educable Mentally Retarded	44,435,853	34
Learning Disabled	10,210,496	8
Emotionally Disturbed	14,467,346	11
Other Health Impaired	5,704,420	4
Crippled	3,237,589	2
Visually Impaired	5,204,166	4
Deaf	10,379,537	8
Hard of Hearing	6,167,349	5
Speech Impaired	5,615,557	4
Total	$132,472,320	100%

(See Supplementary Table VIII for further details.)

c. Funds expended by Type of Expenditure: Approximately $65,457,398 or 82% of the funds expended for projects under the Part B, and PL 89-313 programs was spent for instructional services (including Instruction, equipment for instruction, and pro-rated amount for fixed charges.)

TABLE 11

FUNDS EXPENDED BY TYPE OF EXPENDITURE UNDER PART B, EHA; P.L. 89-313 - FISCAL YEAR 1971

Type of Expenditure	Amount Expended	Percent Expended
Administration	$ 6,918,176	8.6%
Instruction	57,520,680	71.8
Attendance Services	779,427	.1
Health Services	1,058,687	1.3
Pupil Transportation	1,486,076	1.9
Operation of Plant	524,519	6
Maintenance of Plant	366,649	.5
Fixed Charges	4,402, 359	5.5
Food Services	412,779	.5
Student Body Activities	713,817	.9
Community Services	403,038	.5
Sites	63,130	.1
Buildings	194,260	.2
Remodeling	320,519	.4
Equipment for Instruction	4,018,618	5.0%
All other Equipment	947,038	1.2
Totals	$80,129,772	100%

(See Supplementary Table IX for further details.)

d. Funds Expended by Projects Conducted: Funds were expended for projects, according to the four programs, as follows:

TABLE 12

FUNDS EXPENDED BY PROJECTS CONDUCTED, UNDER PART B, EHA;
P.L. 89-313; TITLE III, ESEA; AND THE VOCATIONAL EDUCATION ACT
FISCAL YEAR 1971

Program	No. of Projects	Total Expenditures	Avg. Expend. Per Project	Avg. Expend. Per Child
Part B, EHA	2,064	$34,000,000	$16,472	$101
P.L. 89-313	1,091	46,129,772	42,282	235
III, ESEA	310	18,470,646	59,582	102
Voc. Ed.	3,465	33,871,902	-	162
Total		$132,472,320	$38,231	$144

(See Supplementary Table V for further details.)

[Note: Mr. Carlucci failed to submit responses to questions 2, 5, 6, 10, 11, 12 and 14 of the Chairman.]

FOR RELEASE UPON DELIVERY

Statement by
Honorable Frank C. Carlucci
Under Secretary of Health, Education, and Welfare
Before the
Subcommittee on the Handicapped
Committee on Labor and Public Welfare
United States Senate
Monday, June 17, 1974
9:00 a.m.

The Under Secretary is accompanied by:

Mr. Charles M. Cooke, Jr., Deputy Assistant Secretary for Legislation (Education), DHEW

Dr. Edwin W. Martin, Acting Deputy Commissioner, Bureau of Education for the Handicapped, OE

Mr. Chairman and Members of the Subcommittee:

I am happy to appear today before the Subcommittee to discuss S. 6. S. 6 focuses our attention on a vital issue, the provision of appropriate educational services to handicapped children. As you are all aware, the Federal effort in improving educational services to the handicapped has grown rapidly in the last decade. In 1964, the Office of Education spent about $20 million on programs for the handicapped, primarily on the blind and deaf. In contrast, current OE programs for the handicapped will spend around $250 million. For example, Federally-aided institutions for the deaf or blind--e.g., Gallaudet and the American Printing House for the Blind--will receive about $24 million. in FY 74. In addition, the Congress has mandated that handicapped children comprise 10% of the children in Federally-funded Head Start programs. Of course, there are many other programs within the Department which spend several hundred million dollars on programs for handicapped individuals.

The Federal role in education of the handicapped has been primarily one of building the capacity of State and local agencies to provide such education for the handicapped: to train the needed high quality teachers, to demonstrate exemplary programs, to disseminate instructional materials, and to stimulate growth of State special education programs. The Bureau of Education for the Handicapped has been the focal point in this Federal effort, and the Bureau has helped to raise the national sensitivity to the educational needs of the handicapped.

The States' responsibility, on the other hand, to provide adequate services to educate the handicapped is being increasingly clarified and strengthened--as indicated by the number of State legislatures which have passed new laws mandating such services, and the body of litigation on behalf of the handicapped's rights to appropriate education. Clearly, these laws and court decisions underscore the traditional responsibilities of State and local educational agencies for the provision of educational services.

The central question raised by S. 6 is: Should the Federal role in education for the handicapped be changed from capacity building to one of substantial support for provision of services? S. 6 proposes a dramatic change in that the Federal government would provide 75% of the States' costs of educating handicapped children in excess of the average per pupil expenditure for non-handicapped children. While State data on excess costs are extremely poor and are not comparable between States, our estimates indicate that the costs would probably exceed $4 billion per year.

Such a sharp change in the nature and size of the Federal role should occasion some thorough consideration of the rationale and implications of such a change. Is the change warranted on its own merits and in relation to additional resources for other non-educational services for the handicapped? What leads us to a conclusion that the Federal government rather than the States should shoulder additional responsibilities and what are the implications for other special educational problems for the disadvantaged? If the Federal government is to provide additional support for services, is the approach taken in S. 6 the most satisfactory way to proceed? In my view, the answers to these and other questions are not sufficiently clear to warrant enactment of S. 6.

The problems of educating handicapped people are more complex than the proposed solution--a massive infusion of funds--contained in S. 6. As a recent Rand study states, "Perhaps it is easiest to blame inadequacy of funds, but that is too facile an answer. Insufficiency of resources is a major problem but higher funding alone will not solve other basic problems that we find pervading nearly all aspects of the system: the complexity, lack of control and disorganization of the system currently delivering services to handicapped youth defies efficient and effective operations, inequities and gaps in service delivery abound, and not enough information is available to manage the service system effectively and deliver the services needed. In addition, it is clear that the fundamental questions in identifying and classifying children, and the adequacy of the existing capacity to service these children must be faced before the structural questions of service delivery can be solved."

Let me elaborate on these questions in relation to the flaws we perceive in S. 6.

This bill fails to consider the broad problem of integrating service delivery to handicapped people. Most State delivery systems approach the needs of handicapped people by having isolated groups of professionals provide specialized services without attempting to treat the continuum of individual need. S. 6 would increase the level of educational support as opposed to rehabilitative, medical or diagnostic services without examining the States' current delivery system and attempting to target supplemental Federal aid on States' weaknesses.

The Federal government historically, and perhaps unintentionally, has reinforced this fragmentation of service by not coordinating Federal programs which aid the handicapped.

The fundamental question of the appropriate Federal role in provision of educational services to the handicapped moves us onto much more controversial and less clear ground. It is both a complex and important question and we all need to think about it as carefully and clearly as possible.

One school of thought would simply embrace all special education costs as a Federal responsibility with the Federal government underwriting the major portion of the incremental cost of providing special education services. I find this view unpersuasive. Historically, education has been and remains today predominantly State and local responsibility. Handicapping conditions seem to be distributed more evenly throughout the school aged population than other kinds of disadvantaged and are therefore a regular part of those State and local responsibilities in education. When these State and local responsibilities were less clearly perceived, Federal financial incentives were perhaps the only way to achieve recognition of a need which had to be faced. Federal and State statutes and court orders, with appropriate compliance and enforcement machinery, are, however, rapidly requiring school systems to face such responsibilities.

On fiscal grounds, where the case is often argued most strongly, the argument for total Federal assumption of all incremental special education costs is equally weak. There is a tendency in such arguments to assume that the Federal government has unlimited financial resources while State and local governments lack adequate resources. This ignores the continuing deficits in the Federal unified budget. The States and localities on the other hand experienced budget surpluses estimated at $5.5 billion in calendar year 1974. Thus we have a situation in which the States are in a good position to support the services their legislatures are increasing mandating especially since decreasing school enrollments will probably result in lessening demands on established State and local tax bases.

It seems to me quite clear that many local school systems are fully able to finance the incremental cost of providing appropriate educational programs to deal with special problems. Where the incidence or concentration of special educational problems is high, or the fiscal capacity of the school district is low, I believe that the State has a major role to ensure that all children within the State are provided equal educational opportunities.

As mentioned earlier, I believe that States are increasingly recognizing this obligation in determining the allocation of their fiscal resources. It is interesting to note that 65% of the general revenue sharing money which was made available for State expenditures--some $643 million--in the January 1, 1972 through June 30, 1973 period was used to finance educational services--39% of which went for new services.

The strength of State treasuries, in combination with the demonstrated desire of most States to spend their general revenue sharing money upon new educational services, argues strongly that any increased service costs for equal educational opportunities should be shared by State and local educational agencies rather than borne primarily by the Federal government.

Another critical issue in your deliberations during these hearings is whether effective techniques for teaching the handicapped are sufficiently established to make use of the fiscal infusion proposed in S. 6. With Federal support, great strides have been made in both learning theory and teaching techniques for the handicapped However, existing State and local service systems have not yet been reorganized to take advantage of this new knowledge. Accordingly, there is a large risk that an excess cost formula such as that contained in S. 6 would serve to perpetuate older and less effective educational practices rather than to spur the States to accept more effective methods developed by exemplary programs.

There are, in addition, technical problems in S. 6, including the equity of the proposed formula and the critical question of the effects of labeling on children. The bill would tie Federal payments to the identification of children served by State agencies. However, there is great variability among States in the eligibility for special educational services. Some States mandate services for handicapped children 0-21, others only for ages 5-17. Clearly, State excess costs would not be comparable, even if common accounting procedures were implemented. I might add here that S. 6 would appear to require the adoption of such common accounting practices throughout the Nation's school systems, and such Federal intervention would, at a minimum, be unwelcome, if not wholly infeasible. The imposition of Federal standards for identifying handicapping conditions could, in principle, overcome this problem. However, the development of Federal standards would be difficult, as evidenced by the present wide divergence of criteria and estimates of special educational needs. We have made estimates that about 10% of all children need special education, but one Health Examination Survey sample, taken by the National Center for Health Statistics, identified 25% of the children 6-11 as requiring special education.

One reason for the wide range of estimates is that there are many handicapping conditions, each of which may range from mild to severe in their impact on learning. For some children such as those with speech problems, reading or learning disabilities, or developmental emotional disturbances, the period of special intervention may be quite short. Mildly handicapped children with hearing or vision impairments, with orthopedic handicaps, or with mild retardation will require only part-time programs of special education within a regular school program. Other handicaps are, of course, vastly more severe and require intensive services over long periods of time. However, the allocation of formula in S. 6 makes no distinction as to the different types and severity of handicaps.

The problems of identifying handicapped children for the purposes of a formula such as that contained in S. 6 has other dimensions that must concern us. The procedures in this bill would tend to encourage undesirable "labeling" of children requiring additional special services as handicapped, and maintain the number at the highest possible level. This could increase the risk that labeling children as handicapped will itself cause harm. For those children labeled as mildly or moderately handicapped, particularly as emotionally disturbed or mentally retarded, the social stigma of the label can have catastrophic effects on the child's affective and cognitive development, effects often outweighing the special educational services they may receive. There are numerous reports of widespread mislabeling of disadvantaged and bilingual children, identifying them as mentally retarded or emotionally disturbed. This points to cultural bias which many researchers maintain is found in commonly accepted and widely used screening instruments. Many of the relevant court cases (PARC, MARC, Mills) impose stringent due process requirements calling for periodic reassessment of a child's condition, but the effectiveness of the application of these provisions remains untested. The thorny intricacies of achieving appropriate identification without unnecessary labeling should not be taken lightly. However, mandating a yearly individualized written program for every child receiving specialized services as contemplated in S. 6 could produce an administrative nightmare without resolving the problem.

In raising the foregoing questions, I have attempted to highlight some of the complexities which make the approach of S. 6 so questionable. Our experience with massive infusion of funds impacting on target populations without adequate planning has not been good. Furthermore, the approach taken in S. 6 to an expanded Federal role is only one of several possible approaches, none of which are sufficiently understood to warrant legislative action. For example, other alternatives include: providing added resources to the parents of handicapped children; targeting funds only to those districts which have high concentrations of handicapped children or are fiscally unable to respond; or temporary assistance needed to meet the initial costs of developing educational programs for handicapped children. Each of these approaches should be thoroughly explored, and information not now available should be collected, analyzed and thoughtfully considered in the context of the total Federal role in elementary and secondary education before any of them are adopted. For the present, we believe that the Federal capacity building strategy should be continued and strengthened.

A primary need of handicapped people is an integrated service delivery system which can respond to all an individual's needs, not just educational or medical problems. A key element in such a system would be a method by which individuals requiring service could be identified and directed to appropriate treatment facilities. Such an interdisciplinary diagnostic system could be implanted within the educational system for school entry screening of educational and medical problems or within the State Public Health Service. Additionally, a management information system, such as the one installed in Maryland, to target services on handicapped youth, would be an invaluable tool, both to direct service providers in the States and to Federal planners attempting to coordinate Federal efforts. The Federal government is beginning to take an active role in helping States with poorly integrated services to develop these coordinating capabilities and will be attempting to provide direction to insure the comparability of any new data from the States on the handicapped.

Additionally, with regard to other specific steps the Federal government can and should undertake, we have proposed to the Congress that our capacity building strategy should also include changes which would:

-- Place more emphasis on the early education of handicapped children. There is evidence that exemplary programs can bring large numbers of pre-school handicapped children into normal classrooms at school entry. We must strengthen our efforts in developing the education techniques which create these effects and encourage the States to generally adopt these pre-school educational programs for handicapped children.

-- Broaden our authority to include all severely handicapped, including the multi-handicapped, severely retarded and severely emotionally disturbed with the deaf/blind. We are recommending a special focus by the Federal government for these groups due to the economies of scale which would be realized in supporting regional programs to provide the extensive range of costly services required by these relatively small target populations.

-- Bolster the research efforts in prevention and diagnosis of handicapping conditions. While this is not primarily an area of educational intervention, it is necessary to encourage an inter-disciplinary approach in solving the complex medical, social, emotional and environmental behaviors which usually constitute a handicapping condition.

In summary, the Congress and the Executive Branch have worked cooperatively in the last decade on behalf of handicapped children. Before enacting legislation such as S. 6, with its profound shift in Federal responsibilities, we feel that more careful analysis of the current roles played by the various governmental agencies at all levels is necessary. The legislation we recently proposed provides the means to continue our current programs with broader authority and new emphasis. At the same time, in concert with Congress, we should analyze all the Federal programs and examine in depth the question of all services for the handicapped. Education for handicapped children and related health and rehabilitation services will continue to be a major concern of the Department of Health, Education, and Welfare.

Senator RANDOLPH. Our next witnesses will be Dr. Wise, Mr. Humphrey, Mr. Harris, Mr. Peterson, and Dr. Elser, would you come to the table, please.

This is a formidable panel.

Dr. Wise, would you proceed?

STATEMENT OF DR. HELEN D. WISE, PRESIDENT, NATIONAL EDUCATION ASSOCIATION; ACCOMPANIED BY JEAN M. FLANIGAN, DIRECTOR OF RESEARCH, NATIONAL EDUCATION ASSOCIATION; GREGORY A. HUMPHREY, ASSISTANT DIRECTOR OF LEGISLATION, AMERICAN FEDERATION OF TEACHERS (AFT), AFL-CIO; ACCOMPANIED BY SIDNEY HARRIS, CHAIRPERSON, AFT COMMITTEE ON SPECIAL EDUCATION; RAY PETERSON, DIRECTOR OF FEDERAL LIAISON, COUNCIL OF CHIEF STATE SCHOOL OFFICERS; ACCOMPANIED BY ROGER ELSER, DIRECTOR, DIVISION SPECIAL EDUCATION, WEST VIRGINIA DEPARTMENT OF EDUCATION, AND GEORGE E. KLINKHAMER, SPECIALIST, SPECIAL EDUCATION INSTITUTION, MARYLAND STATE DEPARTMENT OF EDUCATION, A PANEL

Dr. WISE. Mr. Chairman and members of the committee, I am Helen Wise, president of the National Education Association.

With me is Mrs. Jean Flanigan, director of research for NEA, who will be able to answer questions when we get to that point.

As you know, the National Education Association represents 1.5 million professional teachers, each of whom comes into frequent, if not daily, contact, with children who have serious learning disabilities because of one or more emotional, physical, or mental handicaps.

We are gratified that this committee is concerned with the unique problems of these children, because the States are operating under severe financial strains as they try to provide the special services these youngsters need to overcome or ameliorate their problems.

We agree wholeheartedly with the goal of S. 6—to insure that all handicapped children have available to them not later than 1976 a free appropriate public education. And we believe that the method of financing State programs to meet that goal is well-conceived in terms of equity and in its provision of incentives.

The problem, however, is that many States and localities would have to raise substantial sums of money in order to take full advantage of S. 6. This is because the sudden enrollment of the estimated one million additional pupils would require raising sufficient funds to pay for the facilities and staff needed for them while maintaining current basic standards for children who do not suffer handicaps. The S. 6 program would also bring 3- to 5-year-olds into programs in a number and with a cost impact which has not been estimated.

Moreover, it would require substantial changes in some older physical plants which were not designed for handicapped children—especially those who are confined to wheelchairs. The plants most likely to be unsuitable for an influx of handicapped children would tend to be those in the inner cities (where education funding of any kind is most difficult).

The expedient solution to put all handicapped children in separate facilities would serve only to isolate them from their peer group even more, from the social and psychological point of view.

And additional funding problem arises with respect to the written, individualized program called for in S. 6. A substantial portion of the proposed Federal subsidy could be easily expended in the process of identifying the children to be served and planning individualized programs for them. In addition, it may be unrealistic to suppose that identification, planning, acquisition of equipment and facilities, and adequate staffing can be done by the time the proposed program is to commence.

We would also like to call to the committee's attention the critical question of protecting the privacy of the individual and the confidentiality of records in the case of handicapped children.

The difficulties experienced in writing suitable language in the Senate version of H.R. 69–the Education Amendments of 1974, now in conference committee—apply with singular force to the provisions of S. 6. All possible care must be taken that records on handicapped children do not enter the emerging massive computerized data banks on youth. We refer you to the NEA's proposed language for section 513 of H.R. 69 for guidance on this matter.

We must disagree with the language of S. 6, which requires the withholding of funds as a means to insure compliance with its provisions. This penalizes the children who are not responsible for any failure to comply.

We suggest that section 9 be replaced with an authorization for obtaining court orders for compliance directed to the responsible State and local officials.

With respect to evaluation and reporting, we urge the committee to revise section 6 to require the Commissioner to set basic minimal standards with the counsel of an advisory group consisting of recognized experts in the field, parents of handicapped children, teachers of handicapped and nonhandicapped public, labor and business groups and adult handicapped persons.

Finally, we suggest taking a good hard look at S. 6, as it would exist in the context of other Federal education assistance programs. Under the present Education of the Handicapped Act, some $200 million is authorized annually. Proposed amendments in H.R. 69 would increase these authorizations by $100 million, for a total of $300 million in fiscal 1974.

Unfortunately, however, the appropriation for the current fiscal year is only $50 million—one-fourth of what is currently authorized for State grants, and one-sixth of what is authorized in the proposed amendments. There is the hooker. The best intentions of Congress in setting up programs to combat education problems that are universal and incapable of resolution by State and local governments go right down the drain when the Nation's priorities are so out of kilter that the Federal Government cannot deliver on its domestic promises.

What good will S. 6 be if it operates at 25 percent of its authorized level (as is the case with title I of ESEA, and virtually every other Federal education program I can think of)?

I hope we are not here today to build the hopes of anguished parents and cruelly handicapped fine young children, only to dash those hopes when the industrial and military fat cats get their hands on the appropriations bills.

Mr. Chairman, I regret ending this brief commentary on a pessimistic note, but the history of the past few years gives me no alternative. Until and unless the Congress of the United States is willing to underwrite the kind of humanitarian programs such as we have in this proposed legislation, our schools will falter and our children will fail.

Thank you very much.

[The following information was subsequently supplied for the record by Dr. Wise:]

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DR. HELEN D. WISE, President
TERRY HERNDON, Executive Secretary

Protection of the Rights and Privacy of Parents and Students

This topic has surfaced on both the House and Senate floors as an amendment to the committee version of the bill. It is our opinion that language will be included in the conference version of H.R. 69.

After checking with NEA Instructional and Professional Development staff, the USOE and General Accounting Office staff, we have rewritten the Senate amendment in an attempt to meet the objections raised by the above groups. A copy of the rewrite is attached.

JWC/smj

Attachment

6/10/74

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

SEC. 513. Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

"SEC. 437. (a) RIGHT OF ACCESS AND OF A HEARING.-(1) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution which has a policy of denying, or which effectively prevents the parents of students under eighteen years of age attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution, the right to inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. Where such records or data include information on more than one student, the parents of any student shall be entitled to receive, or to be informed of, that part of such record or data as pertains to their child. Each recipient shall establish appropriate procedures for the granting of a request for access to their child's school records within a reasonable period of time, but in no case more than forty-five days after the request has been made.

"(2) Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

"(b) CONDITIONS FOR THE RELEASE OF PERSONAL DATA.-(1) No funds shall be made available under any applicable program to any State or local education agency, any institution of higher education, any community college, any school, preschool, or any other educational institution which has a policy of permitting the release of records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization, other than the following-

"(A) other local school officials, including teachers within the educational institution or local educational agency who have legitimate educational interests;

"(B) to officials of other schools or school systems in which the student intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

"(2) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other education institution which has a policy or practice of furnishing, in any form, any information contained in personal school records, to any persons other than those listed in subsection (b)(1) unless-

"(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

"(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpena, upon condition that parents and the students are notified of all such orders or subpenas in advance of the compliance therewith by the education institution or agency.

"(C) nothing obtained in this section shall preclude authorized representatives of (1) the Comptroller General of the United States, (2) the Secretary, (3) administrative head of an education agency (as defined in Section 409 of this Act), or (4) state educational authorities from having access to student or other records which may be necessary to audit and evaluate federally supported education programs or to enforce the federal legal requirements which relate to such programs. Provided that, except as may be necessary in connection with enforcement of federal legal requirements, any data obtained by such official with respect to individual students shall not include information (including Social Security numbers) which would permit the personal identification of such students or the parents after the data so obtained has been assembled.

"(3) In any case in which the Secretary or an administrative head of an education agency is authorized under any applicable program to request or require any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution to submit to a third party (or to the Secretary or an administrative head of an education agency, as defined in section 409 of this Act) any data from personal statistics or records of students, such data shall not include the names of students or their parents (in code or otherwise) without the written consent of the student's parents, except-

"(A) in connection with a student's application for financial aid;

"(B) in compliance with any court order, or pursuant to any lawfully issued subpena, if the parents and students are notified of any such order in advance of the compliance therewith by the State or local educational agency, the institution of higher education, the community college, the school, preschool, or other educational institution.

"(4)(A) With respect to subsections (b)(1) and (b)(2) and (b)(3), all persons, agencies, or organizations desiring access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student, but only for inspection by the parents or student, indicating specifically the legitimate educational or other interest that each person, agency, or organization has in seeking this information. Such form shall be available to parents and to the school official responsible for record maintenance as a means of auditing the operation of the system.

"(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

"(c) PROTECTION OF PERSONAL DATA.-THE Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency (as defined in section 409 of this Act). Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency have responsibilities under an applicable program unless such activities are authorized by the Act establishing such a program.

"(d) Personal data of students and families made available to institutions, agencies, organizations, or other students carrying on basic or applied research for public dissemination shall be used by such institutions, agencies, or organizations, provided the students and families' rights of privacy are respected and protected. Nothing in this Act shall be construed to inhibit research as appropriate for needed data-gathering activities, provided the student and family's rights of privacy are respected and protected.

"(e) For the purposes of this section, whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

"(f) No funds shall be made available under any applicable program unless the recipient of such funds informs the parents of students, or the students, if they are eighteen years of age or older, of the rights accorded them by this section.

"(g) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of the Act.

"(h) The Secretary shall establish or designate an office and review board within the Department of Health, Education and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section, according to the procedures contained in subsections (c) and (d) of section 421 of this Act.

"(i) With respect to any funds obligated prior to the effective date of this section to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution, continued furnishing of such funds shall cease January 1, 1975, if the recipient has failed to meet the conditions for funding established by this section.

"(j) The provisions of this section shall become effective ninety days after the date of enactment of this Act.

"(k) This section may be cited as the 'Family Educational Rights and Privacy Act of 1974'."

Senator RANDOLPH. Thank you, Dr. Wise.

The chairman of our committee and the principal sponsor of S. 6 has a commitment which makes it imperative that he leave the hearing at this time.

I do presume, Senator Williams, that you might have questions in reference to Dr. Wise's statement, and what do you wish to have done?

Senator WILLIAMS. Thank you, Mr. Chairman.

First, I would like to say I greatly regret that I do have this situation, but it is in an allied area, housing for the aged, and I had this commitment just prior to our setting this hearing, and I do have to honor it.

Dr. Wise, and other members of the panel, I do have some questions I would like to submit to you, if I could, in writing, if you would reply in writing.

Dr. WISE. Delighted to.

Senator WILLIAMS. One observation, or one question now. You say at the end of your statement that S. 6 would be a raising of hopes, and they would be dashed, do you think because the appropriations would not follow the authorization promise?

This is a real concern that we always have.

Dr. WISE. It is our major concern.

Senator WILLIAMS. I do appreciate it.

I might say that in this particular area we have associated with us in this legislation some of those who also have a responsibility in our appropriations process, which gives us some hope on circumstantial probability that it would not follow the route of some authorization and appropriations. But that is a concern.

I appreciate your stating it. We are moving into better days in this regard with our budgetary procedures, where authorizations and appropriations will more closely come together.

So I think that for the future there will be fewer examples of what has happened at some time in the past. I appreciate your efforts.

Senator RANDOLPH. Thank you very much, Mr. Chairman.

Senator WILLIAMS. Thank you very much.

Senator RANDOLPH. I again commend you for your leadership in the preparation of S. 6, and for your continuing desire to evaluate the various programs, and hopefully have our subcommittee and full committee move for constructive legislation on handicapped children to the floor of the Senate.

Thank you very much.

Senator WILLIAMS. I certainly appreciate all you are doing.

[The questions in writing submitted by the Chairman, with answers of Dr. Wise follow:]

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 2, 1974

Dr. Helen D. Wise
President
National Education Association
1201 - 16th Street, N.W.
Washington, D. C. 20036

Dear Dr. Wise:

I want to take this opportunity to thank you for appearing before the Subcommittee on the Handicapped on June 21 to present testimony on S. 6, the Education for All Handicapped Children Act.

As I indicated before I left the hearing, I am submitting a number of questions to you for reply for the Record. I would appreciate your returning the questions, with your answers, as early as possible, as the Subcommittee is preparing to proceed to final consideration of this legislation later this month, and the hearing record will be closed by the end of the week of July 8.

With best wishes,

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

COPY

[Questions submitted by Senator Williams to Mr. [illegible]]

1. The Administration, in appearing before this Subcommittee, expressed two primary criticisms of the excess cost formula: 1) that the formula would encourage improper labeling of children as "handicapped" and 2) that the accounting procedures necessitated by excess costs are beyond the capability of school systems presently. It seems to me we have a series of problems which may be more apparent than real in these criticisms. First, the formula in the bill is based on the number of children the school system is actually serving, and the cost of education of these children. In order for this to encourage the labeling of children, it seems to me that school districts would really have to juggle their figures in a way which would be obvious in any kind of an audit. Secondly, in the long run it would seem to be essential to local school districts and states to have information resulting from cost accounting (which the excess cost formula would provide) in order to plan adequately for services. Would you care to comment on these two criticisms of the Administration?

2. The Administration, in their testimony before this Subcommittee, pointed to budget surpluses for the states ($5.5 billion for calendar year 1974) and the budget deficit for the Federal Government. Because of this "phenomenon," they argued that local school systems are "fully able" to finance the incremental costs of special education and that in the case of poor districts, the states are able to assume that full cost. Thus, they argue that financial support of the kind proposed in S. 6 is not necessary. What is your reaction to their statement?

3. Throughout our field hearings on S. 6, we have heard a great deal about the need to improve teacher training programs so that general educators in the classroom are familiar with handicapped children and know substantially more about effective ways of working with these children.

   --Has NEA been working with institutions of higher education to improve the general education curriculum so that all teachers are better prepared to work with handicapped children?

4. You indicate that this bill may cause problems in the areas of raising additional funds, taking in 3 to 5 year olds, improving physical facilities so that they are accessible to handicapped children and providing individualized programs for them.

   --The intention of this legislation is to provide the necessary funds in order to carry out these mandates, which courts and state laws are already requirigg. S. 6, itself, requires an individualized plan for each child, and requires the states to have a policy of normalization in order to provide appropriate programming for handicapped children. Would you support these principles as good educational policies for handicapped children.

5. You suggest that the provision for withholding of funds be replaced with a provision for court-ordered compliance with the provisions of this Act. Could you elaborate on how you would foresee this working?

6. James Harris was quoted in Parade Magazine estimating that more than two million school children are out of school, and that there was a need for 670,000 new teachers, some 245,000 of whom were needed for special programs.

   --Do you have figures estimating what proportion of these children are handicapped? Or what proportion of the 670,000 teachers are for special education?

[Answers supplied by Dr. Wise to Senator Williams questions]

1. We do not believe that S. 6 would encourage improper labeling of children as handicapped. Section 6 contains adequate guarantees for the child. The involvement of parents plus the due process guarantees in Section A4 preclude mindless assignment of children to handicapped programs merely for the sake of getting federal money.

   Accounting procedures required to determine excess costs are not beyond the capability of LEA's. The New Jersey legislature is currently considering similar state excess cost reimbursement provisions at the recommendation of the Governor. It would be possible, of course, for the administration to sabotage the operation of the program by requiring accounting standards which would be difficult to meet. For this reason we call your attention to the suggestion we made to the Committee in our testimony:

   > "With respect to evaluation and reporting, we urge the Committee to revise Sec. 6 to require the Commissioner to set basic minimal standards with the counsel of an advisory group consisting of recognized experts in the field, parents of handicapped children, teachers of handicapped and non-handicapped pupils, labor and business groups, and adult handicapped persons."

2. The budget surplus of the states estimated at $5.5 billion for calendar year 1974 is clearly not available to immediately and permanently increase the state funding level for handicapped programs. This phenomenal surplus situation results from a combination of four factors: first, the enactment of $5 billion in new state taxes in 1971; second, increased revenues from sales and income taxes owing to inflation; third, the extreme caution involved in making budget projections for 1974 because of uncertain economic conditions; and fourth, the advent of federal revenue sharing with state governments and the timing of the flow

of revenue sharing. This surplus is considered by most experts to be of transient character and in general all too small to cope with the total demand on state governments for increase in civilian domestic programs and the price inflation.

3. Two associated organizations of the NEA, the Council for Exceptional Children and the Association of Teacher Educators, deal in the area of teacher training programs.

4. We would certainly support the principles as indicated in Question 4.

5. We would foresee enforcement operating much like court-ordered civil rights compliance. We do not foresee, however, that enforcement of the Handicapped Act would entail all the difficulties of enforcement of the desegregation orders.

6. James Harris was quoted correctly in Parade Magazine. In October 1973, an estimated 1,888,000 youth in the 5- 17 population of 51,485,000 were not enrolled. Of the number not in school, 502,000 were 5 to 6 years old, 218,000 were 7 to 13 years old, and 1,168,000 were 14 to 17 years old.

   These estimates are derived from the annual Census survey of school enrollment. Census data do not reveal why children are not enrolled in school. The estimates of need for new teachers is from the NEA study on Teacher Supply and Demand. Revised figures appear in Table 10 from this report, a copy of which is enclosed. According to current estimates, 215,000 teachers are needed for special education programs in K-12. We do not have a reliable estimate of what proportion of the children not now enrolled in school are handicapped.

Senator **Randolph.** I believe there are only two formal statements, other than the one just given by Dr. Wise, and that is the statements of Mr. Humphrey and Mr. Peterson, and I think we should go ahead with them, if that is agreeable. Then we can have colloquy and additions from others sitting at the table.

Mr. **Humphrey.** Rather than read our statement, I have accompanying me Mr. Sidney Harris, who is chairman of our special education committee, American Federation of Teachers, and rather than read our statement, I would like to have him make a brief statement.

Senator **Randolph.** That is agreeable.

Mr. **Humphrey.** We would like the statement to appear in the record.

Senator **Randolph.** The statement will appear in the record at the conclusion of your testimony.

Mr. **Harris.** Thank you, Mr. Chairman, and thank you, Mr. Humphrey.

Mr. Chairman and members of the committee, I wish to commend you in the name of our organization, the American Federation of Teachers, for such an all-encompassing and forth-right bill of rights for handicapped.

As a teacher of handicapped for some 26 years, and the parent of a handicapped child, it is a pleasure and an honor to support Senate bill No. 6.

I have only a few remarks to outline what I think are some of the positive aspects of this bill, because I think they do need repeating.

One, that it is a model document, two, that it has adequate review procedures; three, that it extends to the States moral opportunity, financial opportunity, and educational opportunity.

It does require a plan, individualized plan, which we applaud. We think the teachers have always asked for individual plans for children, whether they be handicapped or regular, and so we wish to applaud that particular part of S. 6.

It presents guidelines which are uniform in the direct needs of the consumer, the parent, the community in which he or she lives, local and State, and provides an opportunity for the professional, the paraprofessional, the student, and the various consumers. It allows them to participate without the Sword of Damocles, namely, money hanging over their respective heads.

It is timely. This document also, I believe, is a direction toward cooperation, and a relief toward other systems and funding sources of all children, which of course include the handicapped.

It does not study and restudy the handicapped. I say these points only to stress its real positive nature.

In this bill of rights for the handicapped, and I would like to think of S. 6 as such—I do not believe there can be any serious disagreement in substance.

I would like to raise, however, some points of inquiry for your consideration, if I may be permitted to do so.

Let me hasten to say that only one of these should be considered as major or substantive value judgment.

As your bill has so clearly defined whom are the handicapped, I believe that a definition of mainstreaming normalization and integration is necessary and in order.

In an article for the American Teacher, I attempted to do this, and I would like to do this again in terms of the committee's consideration. I would also like to raise questions concerning educational assessment process.

Does assessment include medical evaluation and follow up performance, and survival assessment? Just to live, the ability to survive in the ghetto has an intelligent quotient of its own and of the highest order?

Testing, using various isometrics are desirable, and I would accept your limitations.

Social and family evaluation, part of the equal assessment procedure, is necessary, and perhaps to me is not as clear in this bill as I would wish.

There are two areas I believe have been overlooked. One of these has been deviant handicapped. I use deviant for want of a better term. By deviant I mean physical neglect, the family neglect, and the handicapped which is incarcerated, that is those who may possibly be in jails, or other kinds of reform institutions.

And a second area deals with home instruction. My major point has to do with teachers.

Will presently certified special education teachers and ancillary personnel be able to continue to serve the handicapped?

Will State education departments for teachers presently doing their job have to undergo vast inservice training efforts?

We would like to see the lions share of the money spent on the handicapped programs and certainly, not on training teacher personnel who are already qualified by their experience to teach the handicapped.

May I say that dislocation of teachers is not only traumatic for teachers, but traumatic for children, too. I am therefore suggesting that some protection clause is needed.

On the part of handicapped children, I believe some protective clause to protect them from being over experimented with is essential.

I know from sad personal experiences that such experimentation may take place, and therefore, as my colleague has stated we must ask for a provision that would mandate congressional oversight on the regulations and guidelines.

Mr. Chairman, S. 6 is a most important bill. It is a good bill. It is, as I stated, a bill of rights for the handicapped.

We, the American Federation of Teachers, are in support of the bill, and urge our congressional leaders to pass it into law as soon as possible.

Thank you very much.

Senator RANDOLPH. Thank you, Mr. Harris.

Mr. Peterson, I think you might, for the record, introduce those who accompany you.

Mr. PETERSON. I am Ray Peterson, director of Federal liaison for the Council of Chief State School Officers. We represent Superintendent Dan Taylor of West Virginia and all the other State superintendents and commissioners of education.

I am accompanied this morning by Mr. Roger Elser, who is director of special education in West Virginia, and Mr. George Klinkhamer, who is specialist in the special education area for the State of

Maryland, and formerly worked in the Bureau of Education for the Handicapped.

Mr. Chairman, I will just merely highlight a few points from my statement, and Mr. Elser and Mr. Klinkhamer will be available for questions.

Senator RANDOLPH. Your statement will be included in the record at the conclusion of your testimony.

Mr. PETERSON. Mr. Elser and Mr. Klinkhamer are here to clarify, or to answer any detailed questions you or the staff may have.

The Council of Chief State School Officers supports S. 6 wholeheartedly.

Senator John F. Kennedy, a member of this committee, said in the Presidential campaign of 1960, during which I recall he made significant progress in your State, Mr. Chairman, "That we owe it to each individual child to give him the best education he is capable of absorbing."

Your bill attempts to do that, and we salute you for that effort, and we support it.

You have heard, I am sure, from the superintendent in West Virginia, expressing his support for the bill, and I am sure that the State education agency staff in New Jersey have also expressed their support.

We feel that the Federal program to this point has been a very successful catalytic effort. We would like to emphasize our desire that the categorical programs under the Education of the Handicapped Act, that is, apart from part B of that act, which presumably would be subsumed by this legislation, that those categorical programs must continue, as they have been most effective.

We feel that S. 6, as it would subsume part B of EHA, is a Revenue Sharing Act, and we are surprised that the administration has not expressed more enthusiasm for the bill.

You have our statement with regard to the complexities of excess costs, and I might merely suggest that the advice that we have from the States is that a simplification of the excess cost definition might serve the committee's purpose, if the excess costs could be determined on the basis of a limited number of identifiable, auditable items, such as personnel costs, transportation or equipment, or other simple categories which State staff might wish to suggest.

We would emphasize the State and local role with regard to individualized written plans in the bill. We feel that the bill is a step forward in suggesting individualized written programs, but it is obvious that State and local administration should bear the major share of the burden for this, and we would hope the committee report language would so state, and allow ample flexibility.

We also have concern that the high level—75%—Federal share could artificially stimulate rolls of handicapped children.

The committee might wish to consider the possibility for progression of the Federal share over 3 or 4 years, perhaps beginning at some level approaching 50 percent, and then rising in steps to the 75-percent share.

We feel that the definition in the bill, by the way, is certainly flexible enough to meet the needs of State administration.

I would also like to point to that part of the statement which suggests an integrated single State plan for handicapped programs, and we would hope that the Committee's deliberations would include the possibility of consolidating State plans for Public Law 89-313, handicapped programs under vocational education and ESEA III, and EHA categoricals, in order that more effective administration could occur at the State level, in cooperation with the Bureau in Washington.

We would hope that the administration, in its thrust for consolidation might endorse such an integrated, single State plan.

I would like to emphasize that the determination of excess costs, and the preparation of individualized students raise questions of administrative burden at the State and local level which have not here-to fore existed. On page 8 of my statement I suggest that the committee might wish to consider additional State administrative funds for specific purposes. This step could obviate some of the difficulties which we have found in the State administration of ESEA title I.

Under ESEA title I, we found that 1 percent for State administration has not allowed sufficient staffing or analysis for proper evaluation of a program of this scope.

If the Federal Government is to hold the States responsible for the evaluation of these programs, additional administrative funds must be provided.

I have suggested other ways this additional half percent of administrative funds could be used at the State level, including the possibility of a program for States helping States to upgrade capacity. Obviously, there is a great differential between States in their capacity to provide these programs, and a Federal administrative fund ought to allow discretion for regional efforts, for example, to upgrade State capacity.

Finally, Mr. Chairman, we would like to commend the work of the Bureau of Education of the Handicapped. We have found professional leadership in the Bureau to be exemplary, and the cooperation which exists, between the Bureau and States has been a model for Federal-State relations.

Mr. Chairman, those are simply the highlights of my statement. I would be happy to answer any questions.

Thank you.

Senator RANDOLPH. Thank you very much.

We will proceed with questions.

I will not keep them in sequence, but I am going to take this opportunity to welcome Dr. Elser to the hearing.

I would like for you, Doctor, to tell us what the plans are in our State of West Virginia to implement the new West Virginia law which attempts to cope in a better way than we have in the past with the educational program for our handicapped children.

I remember that that law becomes effective on July 1, 1974. I am also very much interested in the matter of funding, and how much you believe in the way of money will be needed if that law is to be implemented, not just on the books, but really carry the education program to the handicapped children in our State.

Would you talk about this just for a few minutes?

Dr. ELSER. Thank you very much, Senator Randolph. I appreciate very much being asked here to explain some of the problems that we have in West Virginia.

This law was written 5 years ago, so the State has had 5 years to tool up for it.

At that time the legislature asked me for a price tag for this, and I gave them $20 million, asking for $4 million each year. I was asked how much I needed the first year. I said $2 million, so they give me $1 million.

Senator RANDOLPH. You should have asked for $3 million, and they might have given you $2 million.

Dr. ELSER. I asked for $2 million, and they gave me $1 million.

This included psychological services and means of identifying children, which I think is crucial to our program—we have children, I am sure, who have not been properly identified, and as such, are in classes from which they should be mainstreamed.

We have children who are not yet properly identified, and this costs money for personnel, which we do not have.

In following up we have now asked for each of the counties to submit a county plan that they want for the following year. We in turn, at the State department, have revised and expanded our guidelines for them so that we can try to develop a program where each will be taken care of.

This year, of course, is the crucial one. They are getting down to the line here, and the superintendents are in a tizzy. We do not have the teachers we need, trained teachers. We do not have facilities that are needed, and again I emphasize the lack of facilities for properly evaluating all of these children.

This year we have 971 teachers, and 18,393 youngsters in special programs. The superintendents have asked next year for 649 teachers to serve, and they have validated the need for this for 11,000 more children.

In other words, as of right now, we are only taking care of about 60 percent of our needs, and interestingly enough, it works out we have only about 60 percent of the teachers we need that are trained.

I am very thankful for the money we are getting from the Federal Government for our teacher training programs. If it was not for that, I just do not know how West Virginia would be able to go along.

Senator RANDOLPH. Dr. Elser, what proportion of our children are what we would call in the category of handicapped?

Dr. ELSER. Well, I cannot say.

Here is 28,000 out of 45 or 44 that are enrolled this year, so there is 18 or 20 percent, something of that kind, depending on the grade.

What is visually handicapped?

Anybody that wears glasses all the way to being blind, you see. We have 11,000 on the books unserved at the present time. These are school age children. It does not mean preschoolers.

Senator RANDOLPH. Yes, I am talking of school age

Dr. ELSER. Our law this year was changed and takes them from age 5 through 23.

Most States end at 21.

Senator RANDOLPH. I presume we have a poor collection system for data. I imagine this is true. I am not certain.

Do any of you want to comment on that?

Do we have a good system for information?

Mr. **Klinkhamer**. We in Maryland have had 2 years of experience now with data collection system.

There has been many bugs in it, but we feel that the progress we made recently is very noteworthy, and we are adhering to the confidentiality of records. And we think we will have a great deal of information on numbers unserved.

By the end of the next school year, we will have a much more refined system than we have now. We think that it has much merit and other people around the country also feel that, and several presentations to other State departments of education have been made. Most recently a group of people from the Bureau of Education for the Handicapped had some of our data system staff there to make a presentation on this.

Senator **Randolph**. Do we have further comment on this subject?

Mrs. **Flanigan**. A lot of figures we hear on numbers of handicapped are, say, global estimates, based on the experience of just a few States.

So we really do not have a national census type information system on handicapped.

Senator **Randolph**. I have felt the deficiency in this effort to give us more realistic look at the numbers involved.

Are there others who wish to comment before I leave this?

Mr. **Peterson**. I was suggesting that given the problems we have had with the administration of title I in evaluation and collection of data, that it is part of our testimony to suggest an additional half percent of funds for administration at the State level. And we would hope that these funds could be used for the sharing of the kinds of systems that Maryland described.

If West Virginia decided to try to learn something from Maryland, funds would be available for State administration to help States upgrade the capacity of the system.

We would hope the administration could support this kind of concept.

Senator **Randolph**. Thank you very much.

If you have further suggestions on this subject, it is one we will not continue to discuss, but information could be given to the subcommittee on suggesting procedures, and it might be very helpful in helping us to work with you and with the administration with reference to these matters.

Senator Williams indicated that he would have questions that would be provided to you for answering for our printed record.

He did ask that I suggest that you perhaps might wish to repond to this more general question, and it has to do with the poll taken by the Governors of our States.

It seems that those Governors are believing that there needs to be increased emphasis on the programing of education for handicapped children. They, in a sense, are saying it needs a priority which they recognize does not exist at present.

Is there any comment that any one of the panelists would wish to make on that poll and the apparent results which Senator Williams has brought to my attention?

Mr. **Peterson**. Mr. Chairman, if I might comment on that.

Part of the administration's previous recommendations with regard to revenue sharing and consolidation of handicapped programs included a recommendation that the Governor of a State should have the discretion to transfer up to 30 percent out of the funds for the handicapped to other purposes in the State.

That would seem to be at odds with the statement that you just referred to by Governors wanting more priority for programs for the handicapped.

Senator RANDOLPH. Just a moment.

You say up to 35 percent of the total budget would be transferred to the handicapped?

Mr. PETERSON. No.

The administration's revenue sharing proposal last year had proposed consolidated categorical programs for the education of the handicapped, allowing up to a 30-percent transfer of handicapped funds out of handicapped educational programs into other purposes at the discretion of the Governor.

The chief State school officers would oppose that vigorously. I do not believe that Governors themselves, given the priority you have referred to, would support that.

Senator RANDOLPH. Thank you very much. That is an interesting comment.

Mrs. FLANIGAN. The cost of providing handicapped services seems to be very expensive compared to other education services to a "normal child."

However, the other costs of care later on, and income lost for people who could be brought to a productive level and are not, are tremendous, and far exceed the cost of providing the services to get them there at the right age span.

Senator RANDOLPH. Thank you very much.

I think this is an area that we will want to check out in our subcommittee—in fact, in the full committee, in the matters that concern us with funding and the use of moneys to extract it from certain overall figures for the focusing of attention on handicapped children's education.

Now, we in the subcommittee are, of course, very appreciative of the alternatives which have been suggested today, endorsing, as you have, the purpose of S. 6, asking us to consider certain concerns that you have. This is all in the best tradition of writing and preparing legislation.

You are the people, I recognize as such, you are responsible for the development of our educational policy and also the planning and the programing of what we would call the State level of government.

Although your categories are in perhaps another level or levels, I do think you best represent, because of your memberships, the persons who do the work day by day, who have to come in direct contact with the educational process as it affects those who are being taught, our children.

There are some questions that I have, perhaps of a general nature, but I think they are important.

What would any of you wish to comment on this morning as the reaction you have to the Federal role as it attempts to assist in the education of handicapped children?

What is the best way, as you see it, for our current school system to provide this education for handicapped children?

And what is your appraisal of their needs today as we talk about S. 6?

I have noted the concerns that you have, as we think in terms, first, of the testimony of Dr. Wise, you particularly called it a formula problem. You had doubts that States and localities could raise the necessary money, 25 percent for the States to match this 75 percent that would be contributed by the Federal Government.

If we were to take full advantage of S. 6, that formula becomes very important.

You stress the need, Dr. Wise, for the authorizations being met by the full appropriations. This, of course, is a matter that is a constant problem here on Capitol Hill. I do not want to criticize in any way my colleagues. Perhaps, in instances I might criticize myself.

But so often it seems that there can be the rollcall vote very frankly for an authorization of one program or another, but when we come to the appropriation process, why there can be a withdrawing from that authorization endorsement which has been given by a member or members.

So this does present a problem.

Now, the integration of the handicapped into our regular school system, the architectural barriers—and you refer to them, perhaps, in the innercity, and the situation as it exists. And you talk about the individualized written program, how the States would use this Federal money.

Then you talk about the privacy of children.

Will you at this moment go further in reference to that item of concern?

Dr. Wise. Yes.

To start with, Mrs. Flanigan may want to comment on it also.

We have had concern, as I indicated, about our existing legislation. We think we have to be very careful about it.

It seems to me it is particularly important for handicapped youngsters that we be very careful about the kind of documentation and the availability of their records. The confidentiality of those records, it seems to us, is extremely crucial, as we try to move them into the mainstream of actual full participation.

So that is why we have attached the copy of what we have suggested for the other bill. Maybe you would comment on that, Mrs. Flanigan.

Mrs. Flanigan. I think what we are aware of is that it is very easy for a person to get labeled handicapped or emotionally disturbed.

If there is general access to these records with identification of the individual, then you may be labeled as emotionally disturbed after you have been cured.

I think the handicapped should not be or should not have to have anything more revealed about their private matters than does anybody else.

Of course, there is movement now by the civil libertarian groups to protect an individual's right of privacy. This has become more important as the computers—and there are computer centers of individual data—for instance, there is a merging in a Michigan county centers of data on all youth.

Carried to the extreme, persons would be called upon to identify youth who might become potential drug abusers.

First, you have to question the individual's ability to say whether somebody will be a potential drug abuser.

Second, you have to question the individual's rights to privacy.

Now, these records can become a part of "known to the juvenile authorities." In other words, this is just as sensitive an area as an FBI's investigation of an individual.

Senator **Randolph**. Well, I think that this is very important, and we have to work, of course, more closely than we have with the administration and others in this problem of the protection of the privacy of children.

I want to place that as something very important for our consideration and action.

You talk about court orders and compliance and penalties.

I think this is a point that I would want to have general agreement with.

You talk about evaluation of reporting process, that you thought it would be best to require the Commissioner of Education to set the basic minimal standards with the advice of counsel of people, perhaps experts in this field.

Would you comment on that?

Dr. **Wise**. Yes.

We do not share the concern of the administration, which Mr. Carlucci expressed, about the problem of identification.

It seems to me minimal standards would be established by the Federal Government which give the States a great deal of leeway.

I teach handicapped youngsters, too, and I do not see the possibilities of fraud that were mentioned by the administration with this kind of thing.

I think minimal standards of what we are talking about, as far as physically handicapped, as far as mentally handicapped, with the provision that the States then can move with their own programs to expand from that.

I do not see that as a major problem as expressed by Mr. Carlucci.

Senator **Randolph**. Thank you, Dr. Wise.

Perhaps there are others who might wish to comment.

Mr. **Harris**. I would like to comment, if I may, sir.

One of the things that I think is very important, speaking in terms of the teacher point of view, is that many of our private organizations, notably the United Cerebral Palsy, National Association of Retarded Children, and so on, have done excellent jobs of teacher training within their own organizations. I feel that many of them, because of their ability to work specifically with various handicapped children, have something to offer, and I do not want to see that lost either.

I think, also, that many of the teachers who have a real concern in this area in special education, in terms of dealing with the handicapped child, are also worried about what will be new kinds of things that will come out as far as this legislation is concerned in terms of the abiilty to adjust to whatever the given situation is.

I am primarily concerned in increasing the services of the special education personnel, particularly those who deal with the students.

There are many hahdicapped students whom I feel have much to offer in terms of types of programs, direction, guidelines that are being programed and set down for this kind of program.

I would hope in terms of computerized data, which I have had some experience with, that as, in everything, there can be abuses, and the main object here, the abuses that might come forth, I would agree.

Mr. HUMPHREY. We agree, of course, on the need for the sanctity of these records. We do think there is a valid research role to be preserved in this whole field.

Probably the best way to do that, and certainly something that should not be precluded, is the codifying of data so that you are not talking in terms of any specific child and carrying these records in the name of a person to be identified. Certainly with computer technology the way it is, this information could be codified so that the effectiveness of these programs could be followed and evaluated.

We would certainly hope that that is the case, but when you expand this amount of money—and we sincerely hope that this bill will pass, and that amount of money will be expended on handicapped children—that you do preserve some sort of research and oversight capability to follow the people who enter the program, to see how well the program works.

We missed one other point where we did not comment. That is in the area of priority in the Federal role.

Back in 1965, when Congress first passed the Elementary and Secondary Education Act, I think there might have been one State and possibly two that provided as a State program compensatory education.

With the advent of title I of the Elementary and Secondary Act, that number has increased every year to where I think it is now 16, or in that neighborhood, of States with statewide compensatory programs.

Clearly, what the Federal Government did in that area was to provide leadership.

The money in title I is not adequate to meet the need, but there was a catalytic effect, and we feel the same effect could be brought in the handicapped area—that is, if the Congress enacted, and somehow it got signed, a bill in this area, that the momentum for increasing the educational opportunities for handicapped children and the quality of the programs would do nothing but benefit. And we feel this must be a very high priority for the Federal Government and that the results in title I and other educational programs prove that.

Senator RANDOLPH. In general, I am in agreement with you on that point.

Now, we have heard the testimony of the two teachers groups.

Would you, Mr. Peterson, wish to add something?

Mr. PETERSON. With regard to the question of privacy, confidentiality of records, the Commissioner of Education for New York State, Dr. Nyquist, has stated that experience in New York State shows that codified records at the State level would be adequate for State administration. And, in fact, his recommendation to the House subcommittee was that a list of names of handicapped children not be maintained at the State level. Local agency lists would be sufficient, and State administration could proceed with local summary lists.

With regard to your question about the Federal role, Mr. Chairman, I note Mr. Carlucci's statistics with regard to the use of revenue sharing funds, where he shows 65 percent of those funds used for education purposes at the State level.

It seems to me that merely points out the need at the State level for education funds.

In addition to that, however, I note HEW figures also show that 30 percent of local education agencies across the country are still not providing services to handicapped children.

This is not a question of adequacy of facilities or adequacy of Federal contribuiton in the same sense that we find it in the highways or waterways, where one can see a specific level of adequacy obtained through Federal contributions.

In education this is simply not the case.

Teachers' salaries, or adequacy of physical plant, for example, have not reached a level which this affluent society could consider adequate.

Your $1.7 billion authorization—and I do not know where Mr. Carlucci gets $4 billion, because I read your legislation as $1.7 billion—and this seems to me to raise the Federal contribution to about 30 percent of the total Federal-State and local handicapped funds. We have all agreed in the education community I think, that this is an adequate and appropriate Federal partnership.

Senator RANDOLPH. Off the record.

[Discussion off the record.]

Senator RANDOLPH. I have heard the concerns of Dr. Wise, and we have heard from the American Federation of Teachers, and your concerns were to the individualized written plan indicating it might become a requirement rather than a goal, the testing evaluation procedures perhaps cannot be as effective because of the state of the art at the present time.

We are always talking about the state of the art, just how far we have come in technology on any subject, I understand.

You are interested in a specific provision for congressional oversight which this provision remains in the legislation as introduced, is that correct?

Mr. HUMPHREY. Yes, Mr. Chairman.

Basically, as we pointed out in the statement, if the Federal Government is going to get into the area of testing—and I realize that the provision merely says that the test should not be biased—we totally agree with that.

But the United States is a multicultural heterogeneous society and hardly any tests that exist, at least that I am aware of, cannot be flawed as being biased for one of the various groups that constitute the population.

I think maybe you could have one test if this was a culturally homogeneous, ethnically homogeneous society, but it is not. It is an area where we want to approach with great caution.

Senator RANDOLPH. I think I agree with that, and I am sure others would.

We talk about the inclusion of children in private schools.

I believe you have indicated that that might be unnecessary if there is a program in our public schools, in other words, that would not be the need for the so-called special training within units of education, private in nature, if we were able to bring this into public school curriculum.

Is that what you are saying?

Mr. **Humphrey.** We are saying ideally the purpose of S. 6 is to prepare a public school system to deal with the children that have had to go to private facilities or elsewhere, other than public schools, to receive the kind of education and training they need.

If this bill is going to be funded at an adequate level, and these facilities are going to be provided, we would hope that this would be handled by public schools.

We think it would be best to be handled by public schools.

Senator **Randolph.** At the outset of our hearing today, after the administration had testified, I asked the question, of their feeling on the Mathias amendment as it passed the Senate.

Would your groups be ready to say what you feel in reference to this matter?

Dr. **Wise.** I would prefer to put our reaction in writing, if we could, Senator Randolph, because of some of the technicalities involved. And we would be willing to do that.

Senator **Randolph.** I think that perhaps that would be best, and we would receive that at your convenience.

What would your thinking be?

Mr. **Humphrey.** We would prefer to put our details in writing.

The only comment I would like to make is that it is a 1-year provision. To that extent, it is a large amount of money, considering how much we spent the previous year, that would go out under that provision. And then there would be a new bill coming along.

We wonder about the effect of that, to have money go out under one set of rules essentially for 1 year, and then have an entire program changed again the succeeding fiscal year. Certainly some sort of carryover provision is needed, allowing the funds to be expended in more that year. That is our only concern that I would like to mention.

We are not—and I want to make this clear—saying that this should not be done. But simply that some uniformity, some continuity should be put into that.

Senator **Randolph.** Mr. Peterson, would you like to comment?

Mr. **Peterson.** Yes, Mr. Chairman.

I believe you know there was almost unanimous support for the Mathias amendment in the States.

Senator **Randolph.** We knew that by the words received by Dr. Taylor.

Mr. **Peterson.** I noted the telegram you inserted in the record.

But that was on the basis, sir, that we knew of the committee's commitment to proceed with S. 6, and its more comprehensive approach.

We feel that with the Stafford amendment to the Mathias amendment, a number of protections your subcommitee sought have been put into effect for this interim year.

It is an expansion of EHA part B funding, which is familiar to the States.

It would seem to use that, if your subcommittee were so inclined, the Mathias amendment money would be an adequate acceleration of the programs at the State level for this next year, during which, perhaps, your committee might want to fund the planning year for the mechanism of S. 6.

It would seem to us this would be a reasonable progression and it might fit very well.

Senator **Randolph**. That is certainly a consideration for us.

Are there others who want to comment on the Mathias amendment?

How about Maryland?

Do you have any thoughts?

Mr. **Klinkhamer**. We would support what Mr. Peterson has said, and we think that in order to overcome, perhaps, some inadequacies of 1 year, the suggestion that it be extended 2 to 3 years while there is planning going on for the implementation of the S. 6 for some other similar legislation, so we strongly support the concept of the amendment.

Senator, we would like to make one more comment, because we feel a strong need and urgent need now for funding such as this.

Because of the Marc suit and the whole need for extensive training of staff to care for the severe and profoundly handicapped individuals and the support of personnel and providing for ancillary services that go along with this, the whole area of educational diagnosticians, to really prescribe educational programs on an individual basis for these kinds of youngsters, makes it mandatory that some provision be made for funding here to do the job that needs to be done.

We, too, are involved in planning at the local level for the education of all handicapped youngsters, but it is going to take time before we can implement the plans which must be completed by next July.

Senator **Randolph**. Thank you.

Dr. Elser, I want to see what West Virginia has to say.

Dr. **Elser**. I heartily agree that the Mathias amendment should be enacted now, and I would prefer that it continue until S. 6 is properly implemented.

It is a stopgap for funding and does not take into consideration the detailed planning and programing that your bill, S. 6 does.

The West Virginia State plan essentially has most of the elements that S. 6 does. So if we had the Mathias amendment money, this could be implemented, and it would be no problem to move into the implementation of S. 6.

Senator **Randolph**. Thank you very much.

[The prepared statements of Mr. Humphrey and Dr. Peterson follows, questions and responses appear in the appendix on p. 2136.]

STATEMENT OF GREGORY A. HUMPHREY

ASSISTANT DIRECTOR, DEPARTMENT OF LEGISLATION

FOR

THE AMERICAN FEDERATION OF TEACHERS, AFL-CIO

ON

S. 6 "THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT"

TO THE

SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

June 17, 1974

Mr. Chairman, members of the Committee. It is a pleasure to appear here today in support of S. 6, a bill which we feel is a great step forward toward guaranteeing the right of every handicapped child in the United States to an education that can allow these children to live up to their fullest potential. It is a fact that a majority of handicapped children in this country do not receive an appropriate education. The numbers are impressive enough, almost 4 million handicapped children forced to rely on charity, inadequate public school programs, or the overwhelming expense of private facilities, or, in some cases, receiving no education at all.

Morally, this fact cannot be justified. In economic terms, it means a drain on public welfare facilities and in human terms, there are few situations more appalling than an individual with the ability to be self-supporting, denied that keystone to personal dignity because of a lack of special education or training.

In fact, all legal trends seem to indicate that states will soon be required to provide special education whether or not money can be found in already hard-pressed state budgets. The trend is clear in state court decisions, the pattern is uninterrupted in the federal court, and if the logic of Lau v. Nicols is applied to education for the handicapped, soon we will be faced with a Supreme Court decision mandating a public education for all handicapped children.

We are, of course, delighted that the chairman of this committee and the co-sponsors of this bill have decided not to wait for the court decision, now certainly is the time to act and the approach to the problem found in S. 6 makes sense to us.

The recognition that states should be required to make the greatest part of the effort in educating handicapped children with the Federal government covering 75% of the excess costs incurred is a constructive approach. This approach will guarantee continued local efforts and provide incentives both for increasing the number of children served in local programs and rewarding the effort expended on each child.

We do have some reservations on the provisions found in Section 3(a)(9). While we fully agree that it is both necessary and appropriate to insure that handicapped funds are used in the most efficient way possible, we would not want to see the criteria contained in this subsection become absolute standards for handicapped programs. Goals and timetables are useful in planning programs for the handicapped and are useful in determining program effectiveness; nevertheless, education remains an inexact science. Results cannot be guaranteed in education any more than results can be guaranteed in medical care or health research. Our caution on this provision stems mainly from experience in other Federal Education programs. What the Congress has intended as a goal has become an absolute requirement when regulations for the programs are written by this administration.

In the same vein, we are cautious about Section 6(a)5, the requirement that tests and other evaluation procedures utilized for the purpose of classifying children as handicapped be administered in a way that is not culturally or racially biased. At this time, we know of no such tests or evaluation procedures. The state of these tools always leaves room for doubt as to whether or not cultural bias exists. We agree with the goal of this section, but we wish to state that any test in a society as heterogenious as ours leaves room for doubt as to its absolute objectivity. If these provisions are kept in the act, then we would ask for a provision that would mandate Congressional oversight on the regulations and guidelines for this program.

We also question Section 6(a)8, that is, the inclusion of children in private schools. If public facilities are made available, and clearly that is the purpose of this act, provision for using federal funds in private schools will become unnecessary.

Notwithstanding any of our questions, we believe that S. 6 is a good bill, a bill that would significantly improve the educational opportunities of the 7 million handicapped children in this country. We strongly support this bill and urge this committee to pass it into law as soon as possible.

Statement by

Council of Chief State School Officers

Before the Committee on Labor and Public Welfare

United States Senate: 17 June 1974 Washington, D.C.

Senate Bill 6 -

The Education for All Handicapped Children Act

Dr. Roy Peterson

Director of Federal Liaison

Council of Chief State School Officers

Mr Chairman and members of the Committee:

The Council of Chief State School Officers, representing all state superintendents and commissioners of education would like to express its appreciation to this Committee, especially to the Chairman, Senator Williams and to Senator Randolph, Chairman of the Subcommittee on the Handicapped, for the extensive and thorough work of the Committee in developing this landmark legislation to assist the education of the handicapped children.

Senator John F. Kennedy, a member of this Committee, said in the Presidential campaign of 1960: "We owe it to each individual child to give him the best education he is capable of absorbing." The most significant feature of this bill is its stated purpose to ensure that all handicapped children have a free appropriate public education. The Council of Chief State School Officers supports Senate Bill 6 wholeheartedly; as the Committee's hearings have shown, approximately half of the handicapped children in the country are denied the educational programs needed for full equality of opportunity.

CCSSO Support for S. 6

In its meeting last week in Washington, D.C., the Council of Chief State School Officers reiterated the high priority it places upon the early enactment of expanded legislative authorizations for aid to handicapped children. This Council has also vigorously supported expanded appropriations for the education of the handicapped in cooperation with the Committee for Full Funding, in its successful efforts of the past several years.

Your Committee has had extensive testimony from our member state education agencies. You have heard from Secretary Pittinger of Pennsylvania, Commissioner Nyquist of New York, Directors of Special Education in several states, including Maryland and Pennsylvania at least, and from the National Association of State Directors of Special Education. I know that the Committee has also received communications from the Commissioner and Superintendent respectively of Education in New Jersey and West Virginia in support of this legislation. There is no question that the support for this legislation in the states is practically unanimous. The recent history of public support for all federal efforts on behalf of handicapped children has been made visible again most recently in the outpouring of support from the states for the Mathias amendment to Senate Bill 1539, which recently passed the Senate. The list of cosponsors of S. 6 is impressive bi-partisan support.

Support from the states for the Mathias amendment, an expansion of the authorization for part B of the Education of the Handicapped Act was predicated specifically, however, on the assurances given to the Senate by the Chairmen of the Committee and the Subcommittee that the more comprehensive and thorough legislative approach embodied in S. 6 would be quickly brought to the Senate floor. We are delighted, Mr. Chairman, to be able to assist you in the culmination of this effort, to which you have been committed for many months.

The Need for Expanded Program Support

The assistance of the federal government in programs for the education of handicapped children is needed for both catalytic and supportive purposes at the present time. Concentrated federal assistance began in 1966 with passage of Title VI of the Elementary and Secondary Education Act, and has sparked a vast expansion of state programs for the handicapped. While the federal contribution, primarily for institutional, vocational, innovative, research, development, and training purposes is still only 12% of the total expenditures in the United States for handicapped children, those federal funds stimulated a 50% expansion of the total number of children served in all handicapped education programs in the five years 1968-1973. While only 5% of the federal education budget even now is directed toward the education of the handicapped, this pump-priming effort has prompted states like Pennsylvania to triple expenditures for these purposes during this period; last year state and local government in Pennsylvania alone contributed $150 million for the education of the handicapped, more than 3 times the total federal contribution nationally for EHA Part B maintainance of programs. The modest total federal effort of $315 million in all programs has helped prompt expansion of state and local contributions to a total of $2.4 billion.

The additional federal role, the provision of expanded funds to support classroom instructional programs for handicapped children, is critically important at this time also. Your bill attempts to achieve its goal of full educational opportunities for all handicapped children by a large increase in federal program support. While few of us would maintain that the federal government should ever contribute the major share of support for handicapped children, an increase of the scale provided in your bill is appropriate at this time because of the extraordinary acceleration of public demand for these services. Your Committee has documented the causes of this phenomenon in the recent multiple federal and state court decisions mandating equal opportunity for handicapped children. While the fiscal posture of the states is improving at this time, it is neither fiscally nor politically feasible for states and localities to double their aggregate effort as the courts now demand. The increased cost in Maryland alone in FY 75 is $20 million.

It is appropriate for the federal government to provide leadership and program resources to assist states to meet newly defined constitutional responsibilities. There is precedent for this in school desegregation, and a parallel in your pending legislation to expand court-mandated bilingual programs. In this era of national communications media networks, the federal government has an improved capability to focus public attention and support. S. 6 is an example of political leadership in the best humanitarian progressive tradition of U. S. politics.

In economic terms, it is clear in the studies of the Senate Special Subcommittee on Equal Educational Opportunity that education of handicapped children is cost-effective. Large amounts of state and federal welfare and social services/Social Security costs relate to dependent handicapped children. Only 21% of handicapped children leaving schools in the next three years will be fully employed or go on to college. Meeting the present 50% shortfall in elementary and secondary education for these children will result in employability, productivity, and income tax revenue.

Suggested Modifications to the Bill

We hope to be helpful to the Committee throughout the rest of its deliberations on this legislation. We understand the Committee's desire to deal adequately with the complex issues involved in the financing and administration of these programs, and we hope we can be helpful.

We have been advised by experts in state administration and in handicapped education that the concept of excess cost could bring severe accounting problems to both state and federal government. We would suggest that rather than attempting assessment of the total per pupil expenditures for handicapped children, that the grants be made on the basis of certain specific standardized expenditures for handicapped children. We are advised for example that personnel, transportation, and equipment costs in most instances total more than 90% of the per pupil expenditure for handicapped children. Limiting the accounting to these items will provide the distinctions which the committee desires, while preventing extreme difficulties in federal and state accounting.

We have some concern with the term "related services" as it is used in the definition of "free appropriate public education". We would suggest that related services be qualified in the definition to include only those items specifically pertinent to instruction. Without this, we fear that a great variety of goods and services related more to health than to instruction could greatly complicate the lives and accounting of school officials.

While we have had serious reservations about the concept of "individualized written programs" in relationship to other federal programs, we support its inclusion in this assistance to handicapped education. We do however, foresee difficulties in federal oversight and regulation. We believe the Committee report language should include instructions to the Commissioner to the effect that states and localities will be primarily responsible for determining criteria in this area. That is, the Committee should not expect that the primary regulation of this provision will be at the federal level; rather, it should be clear that states and localities will determine specifications under the general oversight of federal agencies. We would also suggest that the individualized written program include a specific statement as to the extent of the handicapped child's integration into the regular public school classroom insofar as appropriate. In addition, the program should specify goals for post-secondary education, training, and placement for older children.

With regard to the entitlement formula, we have concern that the inclusion of the factor for numbers of handicapped children at a high level of federal contribution (75%) may artificially stimulate rolls of handicapped children. We have the additional concern that the legislation provide for some necessary transition period for the proper state application of these expanded resources.

A reasonable progression might include funding an initial planning year before your bill subsumes part B of EHA as amended by entitlements under the Mathias amendment. In years 2, 3 and 4, a transition could be effected in the use of your excess cost formula, but with the federal share increased in a 3 step progression from 50 to 60 and then to 75%. This would avoid the possibility of immediate artificial expansion of rolls of handicapped children, as well as allowing the gearing up of state administrative mechanisms for the receipt of the additional funds.[*] It would also not be unreasonable for your Committee to express its intention to review the fiscal situation in the states at the expiration of this authorization, with a view toward reassessment of the states' fiscal ability to achieve the purposes of your legislation, that is the education of all handicapped children.

Eligibility. In Section 6 (a) (2) we would suggest that the state plan include a requirement for early identification and diagnosis with reference to preschool children.

We suggest that the Committee consider an integrated, single state plan including information which would also serve as plan and application for PL 89-313, and Handicapped funds under Vocational Education, ESEA Title III, and EHA categorical programs. This would allow maximum coordination between the Bureau and the SEAs for effective administration.

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[*] We have obviously not attempted to develop state allocation tables for this proposed transitional formula. We would suggest that the Committee write in a simple hold-harmless for each state based on the year of largest appropriation for EHA part B prior to the enactment of this legislation.

We applaud the Committee's provisions with regard to due process. We feel that these provisions are thorough and complete, and are a crucial part of this legislation.

Under Section 6 (a)(8), experience has shown that in some states private schools for the handicapped are receiving extraordinary amounts of federal funds. We suggest that the state plan include a requirement for analysis of the number of children enrolled in private as opposed to public facilities in each state and an assessment of the cost efficiency of private instruction and the quality of services.

Subsection (10) should include a requirement for coordination between the state education agency and other state agencies involved in instruction-related services for handicapped children.

In subsection (11), we have reservations about the maintenance of a list of handicapped children by name at the state level. It is probably sufficient to the operation of a state plan that the specific identification of individual handicapped children be reported only at the local level. States would have access to these local records in the normal course of administration. States should be required to specify safeguards in the use of these lists even at the local level to preserve the rights and privacy of individual children.

Section 6 (b) (1) should include reference to community-based programs and projects as legitimate expenditures of local funds. An additional paragraph should be added to that subsection (b) which would specify that funds under this title are specifically to be used first to expand services to those handicapped children not now served, prior to state use of funds for expansion or improvement of programs for children served prior to the enactment of this legislation. 30% of the LEAs in the U. S. do not now provide services to the handicapped.

In Section 8, payments, under subsection (c) (1) (A) we would recommend that grants to the state education agency be increased to 1.5% of the total. These additional funds should be used specifically for the following purposes: (1) regional interstate technical assistance programs for "states helping states" to upgrade capacity in the education of the handicapped, (2) use of funds by individual states for intrastate dissemination of new programs and practices to LEAs by the state education agency, (3) expanded participation by individual SEAs in the Regional Resource Centers program under EHA section 606, (4) coordination of communications, in public awareness programs, to enhance the use of early childhood evaluation and diagnostic services related to instruction, (5) establishment of Advocacy or Right to Education offices in SEAs.

We would urge the addition of a subsection to section 8 on payments, which would specify at least a 1 year carry-over provision, for state use of funds obligated by USOE.

Bureau of Education for the Handicapped, USOE

In conclusion, Mr. Chairman we would like to commend the Bureau of Education for the Handicapped in USOE and its professional leadership. The developments which we have described in state programs for the handicapped have been greatly aided by the effective work of the Bureau. Few federal agencies have made such effective use of limited funds. The Bureau has effectively coordinated these funds while working to assist the training and development of leadership in handicapped education in the states. The mutual confidence which exists between the Bureau and state education agencies is a model for federal state cooperation. We have been disappointed to see that the budget requests of the Bureau have not always been supported above the USOE level, in HEW and in OMB. In addition, it seems clear that the Bureau should receive a high priority for its requests for professional staff.

Senator **Randolph**. It will be our purpose in conference to include the Mathias amendment in the legislation, not just inactive, but we will be very active in reference to that matter in conference.

We are grateful, the members of the subcommittee, for your constructive contribution today.

Our hearings will continue with another session 1 week from today. That will be on the 24th of June.

This will conclude the hearing. We are conscious of our need to have your continued counseling with us, not only at the table as you prepare your statement, but we would encourage you to keep in touch with the staff, Mrs. Forsythe and others of Senator Williams' staff, Senator Stafford's staff, and Senator Javits' staff.

Thank you very much.

[Whereupon, at 12:01 p.m., the subcommittee recessed, to reconvene Monday, June 24, 1974.]

EDUCATION FOR ALL HANDICAPPED CHILDREN, 1973-74

MONDAY, JUNE 24, 1974

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met pursuant to notice at 10:25 a.m., in room 5302, New Senate Office Building, the Honorable Harrison A. Williams, Jr., (chairman of the full committee) presiding.

Present: Senators Williams and Stafford.

Senator **STAFFORD** (presiding pro tempore). The Subcommittee on the Handicapped of the Committee on Labor and Public Welfare will come to order.

Our first witnesses this morning are a panel of two individuals who have spent a good deal of time looking at the special problems of financing education for the handicapped children.

Dr. Richard Rossmiller is currently a professor specializing in educational finance at the University of Wisconsin. In 1970 he published—together with James Hale and Lloyd Frohreich—a major study in this area called Educational Programs for Exceptional Children: Resource Configurations and Costs. He is considered one of the leading experts in America on this vital subject.

Dr. Harrie M. Selznick is currently serving as part-time executive secretary for the Council of Adminsirators of Special Education. He is a past president of the Council for Exceptional Children and recently retired as area superintendent of special education for the Baltimore public school system.

Gentlemen, we welcome you both here this morning and are looking forward to your testimony.

Senator Harrison Williams will be here very shortly. He had a most compelling appointment downtown. That is the reason he is not present at the moment.

At this point in the record, without objection, we will place the opening statement of Senator Williams as if it had been delivered by him personally.

OPENING STATEMENT OF SENATOR WILLIAMS

Senator **WILLIAMS**. I am pleased to welcome all of you to this hearing.

This will be the last in the series of hearings on this legislation, which began in Washington in March of 1973, and have included regional field hearings in New Jersey, Massachusetts, South Carolina, Minnesota, and Pennsylvania.

Last week, we heard testimony from the administration and from three of the major education associations.

Throughout these hearings we have heard from parents, educators, and administrators about the tremendous need for legislation like S. 6, and of the ability of the States and local agencies to make good use of the funds which would become available. It is remarkable that all witnesses—except the administration—seem ready and willing to undertake the challenge of providing full education services for all handicapped children.

And it is in this context that I would like to read from a letter I received from Dr. Sidney P. Marland, former Commissioner and Assistant Secretary of Education, and currently President of the College Entrance Examination Board. Dr. Marland who enunciated the goal of serving all handicapped children by 1980 when he was Commissioner says:

> * * * I believe this Bill does address a large issue of public policy, not likely to be addressed by state and local government. The high cost of teaching the handicapped is an ancient argument that cannot any longer be sustained as our reason for neglecting these children. The issue is one of equity, long denied. But the revenue sharing philosophy, moving the issue to the Federal level of concern; and the cost-sharing feature implicit in the Bill at 75%; give educators and boards of education the margin of fiscal difference they need. They will, under new law, act responsibly on an educational need which they have been unable to confront heretofore.
>
> In those few states and school districts where enlightened legislatures and educators have acted to meet the needs of the handicapped there is now a danger of engulfment by desperate families who converge upon them for lack of any other recourse. This problem cries out for a Federal intervention. * * *

I am extremely pleased to have Dr. Marland's comments, as a former member of the administration, and one who was very strong and earnest in his support of the education of handicapped children.

Only from the current administration have we heard that perhaps we need more time to study the problem.

As I remarked last week to the administration, their testimony reminded me of the epitaph: "Here lies a man whose problem is being studied." I do not mean to suggest that all problems have been solved or that we know the best way of delivering services or providing special education to all children. What I think is becoming clearer and clearer is that if we continue to study the problem, more and more children will be lost. Those children, with additional funds and the commitment of us all, would have a clear shot at becoming independent and self-supporting human beings.

The real purpose of these hearings has been to seek the advice and the assistance of those individuals who know what problems they have faced in the past, and to get their best thinking about how we might proceed in the future.

Today, we are pleased to have with us a number of individuals whose work in this area has been well known. We will be joined by individuals knowledgeable in the area of special education finance and representatives of the State of California who will provide us with additional insight, I am sure, about how to further fashion this legislation to meet the needs of those children we seek to serve.

I wish to point out to all those present today, and to others that we have talked with in the past, that their counsel is welcome. For those who wish to submit additional statements for the record, we will leave the record open until July 8.

The completion of these hearings today is particularly gratifying for me. While I will miss the opportunity to learn more about the experiences of individuals who have been working so hard to make the right to education a reality. it will provide me and my colleagues on this Committee with the satisfaction, because we can now go about the business of moving this legislation through the Congress. That is the goal to which we have committed ourselves. And it is a commitment which we shall keep.

I would like to include Dr. Marland's full statement in the record at this point, and I would like to read into the record recent comments I have had from Governor Byrne of New Jersey and Dr. Fred Burke of the New Jersey State Department of Education.

Senator Brooke of Massachusetts had also hoped that he could be here in person today. He has been a strong supporter of this legislation and we will place his statement in the record.

[The prepared statements of Senator Brooke, and Dr. Marland and comments by Governor Byrne and Dr. Burke follows:]

College Entrance Examination Board
888 Seventh Avenue, New York, New York 10019
(212) 582-6210

Senator Harrison A. Williams
Room 352
Old Senate Office Building
Washington, D.C.

Attention: Lisa Walker

Dear Senator Williams:

Please find herewith a statement in general support of S.6, as invited by Lisa Walker. I greatly regret that I cannot be with you in person.

I applaud your leadership in advancing this important legislation.

Warm personal good wishes.

Sincerely,

S. P. Marland, Jr.
President

June 20, 1974

Enclosure

cc: Congressman John Brademas, House of Representatives

College Entrance Examination Board
888 Seventh Avenue New York, New York 10019
(212) 582-6210

Statement for the Committee on Labor and Public Welfare of the U. S. Senate

Date: June 24, 1974

By: S. P. Marland, Jr., President, College Entrance Examination Board

Mr. Chairmen, Senator Williams, and other members of the Committee: Having had the pleasure of appearing before this Committee numerous times, I regret that I must resort to this written message, as distinct from testifying in person. I do appreciate Senator Williams' invitation, and I regret that my calendar for this date could not be reconciled.

I wish to declare my very strong endorsement for most of the parts of Senate Bill 6, concerned with increasing the Federal support for the education of handicapped children. I have read the abundant testimony already given on this Bill, including the formal expressions of support from a number of the members of this distinguished Committee themselves. There is little new evidence left to record. Therefore, this statement is brief, but very earnest.

We have established and reaffirmed over the past 50 years that the function of public education at the elementary and secondary level remains, and should remain, a responsibility of the states and local districts. However, we also know that certain large educational issues pertaining to broad public policy are not readily undertaken by state and local governance, and even then, slowly, unevenly, and haltingly over many years. For example, we would not have today the level of vocational education resources and commitment at state and local levels

Statement for the Committee on Labor and Public Welfare of the U.S. Senate
June 24, 1974
S.P. Marland, Jr.

if it had not been for the coalescing energy contained in the Smith-Hughs Act of 1917, and its subsequent amendments. Likewise, little would have been done to redress the educational needs of disadvantaged students at all levels, had it not been for the Federal investments in Title I of ESEA and in postsecondary student aid.

While we have afforded modest Federal attention to the education of handicapped children, the authority has been rather narrow, and the funds limited largely to research, demonstration, and teacher education. This Bill, as I read it, would, with some adaptations, respond to the spirit of special revenue sharing. It would designate funds for broad authority to states and local systems for the first time.

This brings me to the point of suggesting certain modifications of the Bill, as viewed by a concerned and supportive educational administrator:

a. I urge the Committee to simplify the system of identification of eligible children, using perhaps total per capita allocation of funds, rather than head counts of the handicapped. The handicapped occur in our population at dependably uniform rates, from state to state. Therefore, gross allocations to states would be equitable without the over-specific state plan as now prescribed in the Bill.

b. The art of educational evaluation is still very primitive. The Bill expects too much of the system in its call for annual evaluation. Perhaps "assessment of progress" every three or four years would be more meaningful and more administratively feasible.

Statement for the Committee on Labor and Public Welfare of the U.S. Senate
June 24, 1974
S. P. Marland, Jr.

If these suggested changes could be adopted, at least in principle, the Bill would be compatible with what I believe to be Administration policy, shunning categorical specificity.

While the suggested funding levels, which are noted in the staff analyses surrounding the legislation, are undoubtedly viewed as high by Administration budget officers, a start could well be made at lower budget levels now. If we look back at history, the impetus generated by significant Federal support, even though much less than authorized, stimulates significant state and local matching, even when not required. I predict this pattern will follow in the case of education for the handicapped.

I believe this Bill does address a large issue of public policy, not likely to be addressed by state and local government. The high cost of teaching the handicapped is an ancient argument that cannot any longer be sustained as our reason for neglecting these children. The issue is one of equity, long denied. But the revenue sharing philosophy, moving the issue to the Federal level of concern; and the cost-sharing feature implicit in the Bill at 75%; give educators and boards of education the margin of fiscal difference they need. They will, under new law, act responsibly on an educational need which they have been unable to confront heretofore.

In those few states and school districts where enlightened legislatures and educators have acted to meet the needs of the handicapped there is now a danger of engulfment by desperate families who converge upon them for lack of any other recourse. This problem cries out for a Federal intervention.

Statement for the Committee on Labor and Public Welfare of the U.S. Senate
June 24, 1974
S. P. Marland, Jr.

As you may recall, I urged the Congress in a report on this subject dated March, 1972, to set a goal for redressing this inequity altogether by 1980. This is still a reasonable and feasible goal if we have the will and the compassion to attack it.

S. P. Marland, Jr.
President
College Entrance Examination Board

STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR
TRENTON

BRENDAN T. BYRNE
GOVERNOR

July 10, 1974

The Honorable Harrison A. Williams
Senate Office Building
Washington, D. C.

Dear Senator Williams:

One of the priority issues of the State of New Jersey is the improvement of education programs and services for all handicapped children. I, therefore, commend your introduction of S-6 and strongly endorse this bill, which proposes to pay 75% of excess costs for the education of each handicapped child. Provisions included in the legislation which protec[illegible] the rights of handicapped children and their parents are in accord wi[illegible] New Jersey's efforts to provide a thorough and efficient education f[illegible] children.

If S-6 is enacted, New Jersey would receive approximately $36 mil[illegible] children enrolled in special education programs, thereby assisting [illegible] state to:

1. Provide a due process guarantee in matters related to identication, evaluation, and placement of handicapped children.

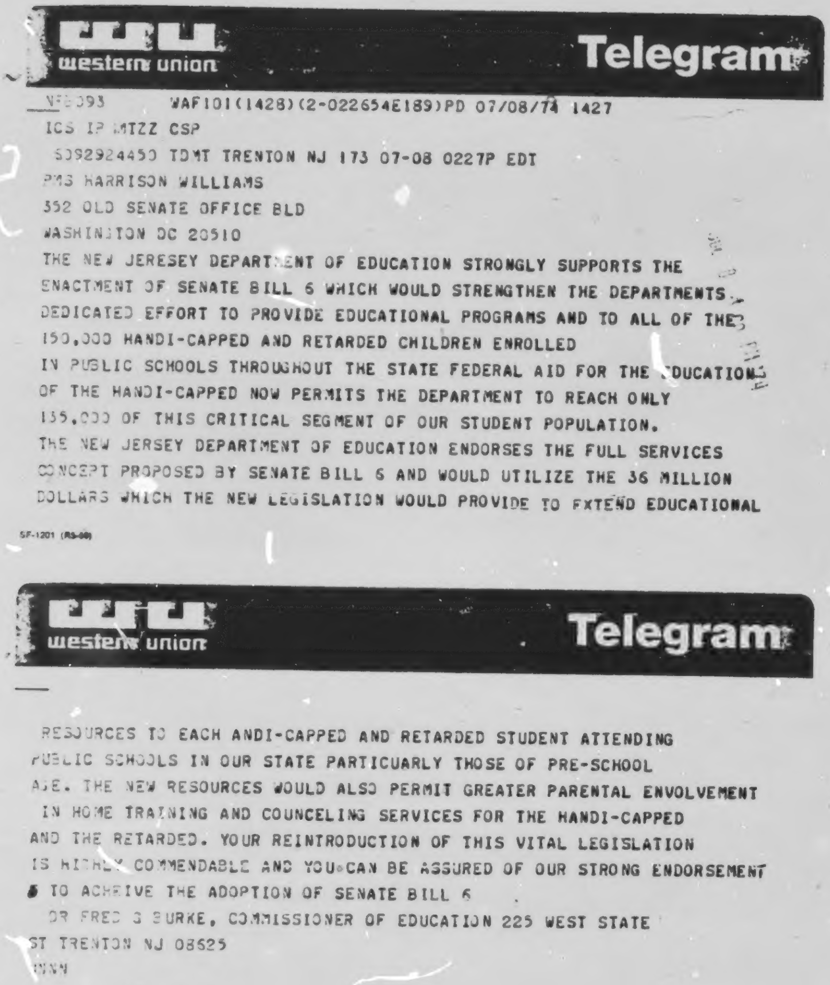
2. Establish and facilitate appropriate local school district education programs and services for all handicapped children.

3. Earmark funds as a priority to provide for those handicapped children as yet unserved.

The State of New Jersey, therefore, endorses S-6 both in content and basic intent. I am sure that your leadership efforts on behalf of all children are appreciated by every concerned parent.

Sincerely,

Governor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PMS HARRISON WILLIAMS
352 OLD SENATE OFFICE BLD
WASHINGTON DC 20510

THE NEW JERESEY DEPARTMENT OF EDUCATION STRONGLY SUPPORTS THE ENACTMENT OF SENATE BILL 6 WHICH WOULD STRENGTHEN THE DEPARTMENTS DEDICATED EFFORT TO PROVIDE EDUCATIONAL PROGRAMS AND TO ALL OF THE 150,000 HANDI-CAPPED AND RETARDED CHILDREN ENROLLED IN PUBLIC SCHOOLS THROUGHOUT THE STATE FEDERAL AID FOR THE EDUCATION OF THE HANDI-CAPPED NOW PERMITS THE DEPARTMENT TO REACH ONLY 135,000 OF THIS CRITICAL SEGMENT OF OUR STUDENT POPULATION.
THE NEW JERSEY DEPARTMENT OF EDUCATION ENDORSES THE FULL SERVICES CONCEPT PROPOSED BY SENATE BILL 6 AND WOULD UTILIZE THE 36 MILLION DOLLARS WHICH THE NEW LEGISLATION WOULD PROVIDE TO EXTEND EDUCATIONAL

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RESOURCES TO EACH ANDI-CAPPED AND RETARDED STUDENT ATTENDING PUBLIC SCHOOLS IN OUR STATE PARTICUARLY THOSE OF PRE-SCHOOL AGE. THE NEW RESOURCES WOULD ALSO PERMIT GREATER PARENTAL ENVOLVEMENT IN HOME TRAINING AND COUNCELING SERVICES FOR THE HANDI-CAPPED AND THE RETARDED. YOUR REINTRODUCTION OF THIS VITAL LEGISLATION IS HIGHLY COMMENDABLE AND YOU CAN BE ASSURED OF OUR STRONG ENDORSEMENT TO ACHEIVE THE ADOPTION OF SENATE BILL 6

DR FRED G BURKE, COMMISSIONER OF EDUCATION 225 WEST STATE ST TRENTON NJ 08625

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Testimony of Senator Edward W. Brooke
before the U.S. Senate Labor and Public
Welfare Committee in support of S-6,
the "Education of All Handicapped
Children Act"

Washington, D.C.
Monday, June 24, 1974

Mr. Chairman:

I thank you and the Committee for the opportunity to testify in behalf of S-6. I am a co-sponsor of S-6 and feel that it is one of the most important and immediately needed bills pending before this Congress.

If you will permit me, I would like to share data from my own state with you as documentation of what I believe is a problem common to the states and individual localities which we all represent. Moreover, the more important concern which this data reflects is the need of handicapped children and their parents for relief and assistance through federal aid to the states to meet the immense human needs of our young children.

In 1970, the Task Force on Children Out of School, Inc. produced a published report in Massachusetts documenting the failure of the Boston Public Schools to provide an education for nearly 10,000 children within its jurisdiction. This represents over 10% of the entire public school population in Boston! This highly respected Task Force found that a major proportion of these children out of school had special needs; they were handicapped. And they represented all neighborhoods, racial and ethnic groups, and social classes in Boston.

This comprehensive study found that mentally ill and emotionally disturbed children remained in their homes because the public schools were not designed to cope with their special needs. Indeed, only sixty out of a projected 3600 disturbed children were identified and receiving specialized educational services. The report found that mentally retarded children were consigned to "special classes" whose only claim to specialization was the minimal custodial care they provided to handicapped youngsters who should have been receiving educational training and services. And the study found that the schools' failure to provide programs and services for this wide range of handicapped children resulted not in a diminishing of problems and needs over time, but a compounding of problems because children were not being helped at an early age when it is easier to do so. In short, the Task Force found and reported on a "quiet crisis"- handicapped children, the most vulnerable segment of our population, are being excluded from that most fundamental need: the need for an education.

And there is no reason to believe that this great problem exists only in my state. Indeed, it is nation-wide. Based upon current epidemiological data or incidence rates, we know that approximately 10% of all school-age children in the nation have handicapping conditions which necessitate specialized educational programs and services. For example, a minimum of 3% of children are seriously emotionally disturbed; another six-tenths of a percent are psychotic. Approximately 1.7% of a school-age population is retarded to such a degree as to require specialized training and services. And in addition to these data, there exist children who are learning disabled through dyslexia and related functional disorders as well as those who are blind, deaf, and physically handicapped in other ways. Altogether, these children comprise one-tenth of the school population in your states and mine. The story told by these statistics is one of tragedy and waste. It is the tragedy of families in turmoil because a young member needs help beyond that which parents can provide. It is the tragedy of children who can be helped but are not. It is the waste of human lives and potential. And it is the waste of resources, both human and financial, when we permit one-tenth of our children to be programmed for a life that is neither full nor independent.

I submit to you that we now have adequate data nationwide to draw two conclusions which point to the need for federal assistance to the states to help handicapped children. First, the needs of handicapped children hold fairly constant in every part of the country. I am told that an upcoming report on a national study by the Children's Defense Fund bears out this conclusion. Moreover, this conclusion is borne out consistently by scholarly studies. Second, state and local school systems either are unwilling or unable - and I trust it is the latter - to meet the needs of handicapped youngsters without additional resources. The fact is that it costs additional money to educate handicapped children.

Cost, however, is not sufficient justification for failing to educate handicapped youngsters. The courts are ruling with marked unanimity and clarity on this matter. The PARC decision (Pennsylvania Association for Retarded Children), and the Mills decision in Alabama stand as a mandate to do better than we have.

In Massachusetts, we are proud of a comprehensive Special Education Act which goes into effect this next fall. It is recognized as a national model for innovative state action to help handicapped youngsters. But we will be unable to make good our statutory promise to handicapped children and their parents unless we receive federal assistance to supplement the increased state efforts we are making. Neither the state nor local school districts are capable of the financial challenge posed by fulfilling our obligations to children who have special needs.

I have been relatively candid about the problems and the needs in my own state. But the real tragedy is that it is not unlike all others. We, as a nation, simply have ignored for too long the fact that for a significant number of our population the problems of childhood are further complicated by the burden of being handicapped. While we each can point to much good will and some success stories in our states and districts, the facts show that we have never taken systematic steps to help these handicapped youngsters on a sustained basis. Senate 6 is a solid beginning.

This bill represents an opportunity to conserve resources by helping children early in life rather than trying when it is too late. Senate 6 represents an opportunity to invest money now to prevent later problems - and the expenditure of even larger sums when children grow up without the capacity to be self-sufficient. This bill represents the means by which the federal government can assist states and local school districts perform their responsibilities to all their children instead of some of them.

Most importantly, Senate 6 represents a promise and an opportunity to the handicapped child: In America the federal government is compassionate toward the citizens who most need its help. And that compassion is reflected in our commitment to help handicapped children to a full and rich life starting with a meaningful educational opportunity.

Senator **Stafford**. That having been done, gentlemen, this Senator has no further opening statement except again to welcome you here, to invite you to proceed as you wish, to suggest that perhaps Dr. Rossmiller might begin the discussion.

STATEMENT OF RICHARD A. ROSSMILLER, PROFESSOR OF EDUCATIONAL ADMINISTRATION, UNIVERSITY OF WISCONSIN, MADISON, WIS., ACCOMPANIED BY DR. HARRIE SELZNICK, MARYLAND EDUCATION CONSULTANT

Dr. **Rossmiller**. Thank you, Senator. It is my pleasure to be here this morning.

My name is Dick Rossmiller. I am currently professor of educational administration at the University of Wisconsin at Madison, and also director, Research and Development Center for Cognitive Learning.

I have prepared some written testimony which I would like to submit for the record. I believe you have a copy of that.

Senator **Stafford**. Without objection it will be included in the record at the conclusion of your testimony.

Dr. **Rossmiller**. I would like to spend the time available this morning in commenting very briefly on what my written testimony concerns, and then commenting briefly on the contents of the bill, S. 6.

Senator **Stafford**. You may proceed in any way you wish.

Dr. **Rossmiller**. Thank you.

In the written testimony I prepared, I attempted to summarize the results of a number of investigations dealing with the relative cost of educating handicapped children in comparison with the cost of educating children in so-called regular school programs.

I have also provided some definitions. Perhaps the key definition is my definition of equality of educational opportunity. I feel the only realistic definition of that term is in terms of access to the resources needed to permit each child to develop to his full potential.

Equality is not equal dollars. It is access to appropriate programs, tailored to meet the needs of individual children.

I believe it is totally unrealistic to expect all children to reach the same level of mastery, as some educators advocate. But we should strive to enable all children to be able to reach their full potential, whatever that potential might be.

Consequently, I feel that defining equality of educational opportunity in terms of access to resources is a definition that is realistic and gives us some achievable goals.

I have noted the incidence of handicapping conditions and have provided some of my own estimates. I have noted some of the programing variations, or "delivery system" variations, that exist throughout the country. These can be categorized as supplements to regular classroom programs involving situations where a handicapped child is a full participant in a regular classroom program, but receives supplemental help either in the form of consultation by the regular classroom teacher with a specialist, or from an itinerant teacher who travels from one place to another, or perhaps from a resource room to which the child goes for special help or for access to materials.

There are programs that are substitutes for the regular classroom program. These comprise the bulk of what we traditionally have known as special education—situations in which the child is segregated from the regular school population and placed in a self-contained classroom essentially in isolation from other children.

Then of course there are the out-of-school placements required for children who are home bound as a result of illness or accident or hospital placements or institutional care in some cases.

There are some organizational problems related to the availability of special educational services. Some school districts are simply too small or too scarcely populated to have enough children with a given handicapping condition to have an efficient program, and we need to give attention to establishing alternative delivery systems. These may take a form of cooperative arrangements between school districts, or they may take the form of specialized agencies such as the Boards of Cooperative Educational Services in the State of New York, which provide programs for handicapped children in school districts where there are not enough children in any one district to have an efficient or effective program.

I have given some attention to individualized programing since this is a bone of contention. The requirement of individualized programing is found in nearly all of the statutes mandating the provision of special education for handicapped children that have recently been enacted by the various States. I can assure you that individualized programing is not only feasible, but it is currently being done in approximately 1,700 elementary schools throughout the United States which are using a system of Individually Guided Education (IGE) developed at the Research and Development Center for Cognitive Learning at the University of Wisconsin.

This particular system is described in some detail in my prepared testimony. Essentially it provides a set of procedures and techniques which make it possible to establish overall objectives for a school, as well as specific objectives for groups of children within the school and short run objectives for children to accomplish within a period of time, ranging from a few days to a few weeks.

If does indeed work. I have reported some evidence that it does work. Several schools are using the IGE system to work out individualized instructional programing for handicapped children. Teachers in these schools are very enthusiastic about its potential.

It not only provides for bringing handicapped children back into the so-called mainstream of educational activities, but it also provides a way of meeting their unique educational needs and problems while still keeping them in contact with children who are not handicapped.

(Senator Williams entered the hearing room and assumed the Chair.)

Dr. ROSSMILLER. I have also discussed existing State programs for financing education for the handicapped and have given some of my observations about the ways in which we might improve these financing programs.

The concept of additional or excess costs is relatively new. Most of us who work in education—and I suspect all laymen—have recognized intuitively for many years that not all educational programs are equally costly, but it was not until the research conducted by and for the National Educational Finance Project that we were able to develop some relatively accurate estimates of the variations in the cost of the programs that are required to deal with specific handicapping conditions.

I have conducted studies of the cost of educating handicapped children in three States, and have obtained data from other State studies in which I have been interested, and have included these data in a table in my prepared testimony.

I might point out the implications for local school districts of the additional cost—the excess cost—of educating handicapped children. If we assume that it costs roughly twice as much to educate the handicapped child (and in some cases it may be 3, 4 or 5 times as expensive) as to educate a normal child, this means if a school district has an average expenditure of $1,000 per pupil in its regular school program, it will in fact be required to spend $2,000 for every handicapped child.

In a district which is already hard put to find the financial resources that it needs, every handicapped child who appears represents an additional financial burden 2 or 3 or 4 or 5 times as great as a child who enters the regular school program.

Consequently we generally find the most inadequate programs, or a complete absence of programs, for handicapped children in those districts that are most strapped for financial resources. It is obvious that at least some of the handicapped children who are currently not being served are not being served because of a lack of money.

Good intentions are fine, but good intentions do not finance programs. One of the real constraints on the availability of programs for children who need them, particularly the 40, 50, or 60 percent of the children not currently served, is the lack of fiscal resources in local school districts to provide appropriate programs for these children.

I devoted a good bit of space to a discussion of cost indexes. I would point out that they do have some limitations. As one of the so-called fathers of the cost index idea, I want to assure you that it certainly is not perfect.

The cost index, as we have developed it, is either a median or an average. By definition, half of the school districts in a State will be spending above the State average and half will be below the average.

The question is: Are the additional expenditures that districts above the State average are making necessary or essential to provide adequate special education services, or are they in a sense gilding the lily?

On the other hand, are there districts which are spending less than the amount needed to provide adequate programs? We simply do not have enough data on the effectiveness of existing programs to answer these questions.

Cost indexes reflect current educational practices, not what should be or what could be, and we need additional data on the efficacy of the programs. Cost indexes do not show how wisely or how effectively funds are being used; a cost index may be high because a district is spending more money than necessary, or it might be high because the district's regular program costs are very low relative to its special program costs.

We do not yet have a good breakdown of costs by delivery system. We do not know the relative cost of educating children in regular classrooms with appropriate additional supportive help versus the cost of educating them in self-contained, segregated classrooms. This is important information that we should be looking for.

Costs also will vary for identical educational programs for the handicapped as a result of factors such as transportation in sparsely populated areas, differences in living costs, or simply the variation in teacher salary as a result of differences in training and experience (which may or may not be related to the teacher's effectiveness).

I would like to turn now, in the time I have left, to some comments on S. 6 as it is currently drafted.

I find the statement of purpose to be simply superb, and to use the words of my teenage children, I guess I would say, "Right on!" because it really gets to the heart of the problem.

There have been some questions raised about the accounting requirements in S. 6. In terms of the fiscal accounting, I am not particularly concerned because the machinery does exist.

The U.S. Office of Education published in 1957 what is commonly called Handbook II, which describes a uniform financial accounting plan for State and local school systems.

The Office of Education did not develop this publication in isolation from the States; in fact they had ample representation from State educational agencies, and various professional organizations to assist in the development of the handbook.

Although the first version of that handbook did not provide adequately for programmatic accounting, a revision which has come out very recently does make provision for programmatic accounting.

As a school administrator I always was frustrated by the lack of programmatic data. I began my professional career as a vocational agricultural teacher. I was always struck by the fact that the school board knew exactly how much money they were spending for vocational agriculture, but they could not tell how much they were spending for English, mathematics, physical education, or any of the other curricular areas.

Some people would claim this was because there was Federal funding involved in agriculture, and if there was, I say, more power to Federal funding.

I spent a good bit of time as a school administrator working to develop an accounting system that would provide me with up-to-date data on relative program costs, because I do not think anyone can make intelligent educational decisions without having such data.

If S. 6 would help encourage the adoption of a programmatic accounting system generally for schools—and I believe it would—I would be in favor of it for that reason alone.

We have been operating in the dark for so long in education with regard to the relative costs of various programs, and whether or not such costs are justified, that I would be willing to support nearly any type of legislation that would encourage local school administrators and school boards to develop such data.

I can assure you that able administrators and conscientious school boards already are seeking such data.

The requirement of uniform definitions for handicapping is certainly needed, but this is a point of potential conflict. Most of the States, either through statutes or through administrative regulations, have defined the criteria for categorization as handicapped, and these State requirements are certainly not uniform.

Consequently, it may require some changes in State statutes or administrative regulations to bring them into conformity with a uniform definition. Again I feel a uniform definition is needed.

On the other hand, no matter where the requirements are set, there is the problem of the child who just barely fails to qualify for special help. I find it difficult to believe that a child whose IQ is just 1 point above the point where he or she would qualify for special help, does not need special help as much as the child whose IQ is 1 point lower and thus does qualify.

The same thing would be true of children who have other types of handicapping conditions. All of these definitions are basically arbitrary, and it bothers me when we exclude the child who is very close to having that particular problem but does not quite come up to the criterion.

The requirement of an individualized written program I believe is very farsighted and extremely important. I recognize that taken to its extreme this could produce a great volume of paperwork, but excesses are by no means necessary. The fact that we have in this country approximately 1,700 elementary schools currently using a programing model virtually identical to the model implied by the language of S. 6 suggests that those who say the requirement cannot be met are raising a strawman.

I grant that some discretion will be required, as well as some good sense in writing administrative regulations, in order to insure that teachers are not burdened with an excessive amount of paperwork.

It also brings the family into the picture. This I believe is extremely important. We need to consider education of the families who have handicapped children as much as we need to consider education of these children themselves.

I can speak from personal experience in that regard. I have one child who has a learning disability. I have known that, or at least suspected it, for approximately 7 years. During the past year I finally was able to convince the Madison school system that my child does indeed have a problem, and perhaps because of the passage last fall of mandatory legislation in Wisconsin, the school system is now going to take steps during this next year to help him deal with his learning disability.

I have also had a problem with my wife in this regard because she found it difficult to recognize the fact that our child had a learning disability, and she had expectations that were impossible for the child to meet. One of the problems associated with the disability is that it is very difficult to read aloud. Since our other two children can read aloud magnificently, this child suffers by comparison, even though on whatever is measured by IQ tests he is well above average.

I believe the requirement of individualized programing which brings the family into the picture and establishes some procedure for insuring that individualization is taken seriously is very important.

I have always been distressed by the fact that educators pay a great deal of lipservice to the notion of individualization, yet tend to teach children and to deal with them in school as if they were interchangeable units on an assembly line. They are not. Each one is indeed a unique individual and deserves to be recognized as such, and to be dealt with in terms of his or her own unique abilities, talents, or handicaps, whatever they might be.

The role of the State called for in S. 6 is very compatible with what States currently are doing, at least those States which have mandatory legislation. I have worked with the State of Tennessee for the past several months, and I believe that Tennessee has come up with a program at the State level that will make it possible to achieve the intent of the mandatory legislation in Tennessee quite rapidly.

Tennessee does not have enough money available to totally fund the program, at least if the available estimates of incidence and cost are correct, but they are using the amount of money available very wisely, using a State plan, using local district plans, and allocating money in accordance with needs.

I feel that S. 6 represents a minimal Federal interference with the States. One might view it essentially as targeted revenue sharing.

I also am very favorably impressed with the requirements for evaluation and reporting that are an integral part of this bill. Very frankly, we do not know which programs in education work, either in regular education or in education of the handicapped. When I started the research for the National Educational Finance Project, I tried to identify programs for study on the basis that they had been demonstrated to be effective, that they were in fact meeting the needs of children, and there were some so-called hard data to establish that fact.

I was soon disenchanted. There were no school systems that had such data, so I compromised and relied upon the judgment of experts, people who should know a good program when they see one, and relied upon such persons to help me identify districts which are providing high quality educational programs for handicapped children.

So the requirement for evaluation and reporting I think is very important. But evaluation is too important to be entrusted to evaluators alone. I have seen more half-baked and asinine statements about evaluation in education in the last 10 years than I care to think about. Everyone has become an instant expert.

I believe that the only way to evaluate programs for handicapped children, or any other child, is against the objectives established for those programs and for that child. Such an evaluation cannot be conducted by lumping groups of children together as if they were amorphous and trying to identify whether or not something worked. Such an approach is like comparing apples, oranges and battleships, and that is exactly what occurs in much of the evaluation that has gone on to date.

I want to be sure that the pupils being evaluated are comparable. For example, all blind children do not require the same educational programing, and yet some persons evaluating programs for blind children would assume that all blind children are alike, which is a complete travesty on the notion of individualized programing. The emphasis on evaluation I think is good, but the emphasis needs to be followed up by people with some degree of commonsense and good judgment who have worked in schools, and who can recognize apples and oranges when they see them, and certainly separate them from battleships.

The Federal share called for in S. 6 is heartening. I do not know whether 75 percent of excess costs is the "right" figure, but it certainly represents a commitment to a goal.

It is particularly important to the poorer States (poorer in terms of fiscal capacity) and to poorer school districts. There is a very close relationship to the principle that the quality of education available to a child should not be solely a function of the wealth of the school district or the State in which that child, through no fault of his or her own, happens to reside.

This gets us into the issues confronted in the *Serano* and *Rodriguez* cases, but I would point out that, because they are more costly, educational opportunities for handicapped children are more constrained by local wealth than are educational opportunities for normal or regular children, and we cannot escape this fact of life in school districts.

Let me comment briefly on some potential problems in S. 6 as it currently reads. One problem has to do with the phase-in period. A complete phase-in by 1976 is probably too optimistic. For one thing, there is still a shortage of properly qualified personnel in the area of the education of the handicapped. While we may or may not have a surplus of qualified personnel in general education, we certainly have a shortage of qualified personnel in education of the handicapped.

This will be particularly true in those school districts that have not yet developed appropriate programs for the handicapped. It may be difficult to entice qualified people to teach and work in those districts because of their isolation or because of other undesirable features.

We also need to develop better delivery systems for making programs available. The children remaining unserved will probably be hardest to provide for, and we also have to recognize there exists an attitude on the part of rank-and-file teachers and/or administrators developed over the past 20 or 25 years that a handicapped child should be removed from the regular classroom and educated in a segregated situation with other, similarly handicapped children.

This will require a good deal of retraining, a good bit of changing of attitudes and expectations on the part of parents—parents of normal children as well as handicapped children—teachers and administrators.

We have a need for developmental research and evaluation—a greater focus on what works or, if it does not work, why not?

A continuing and expanded role for Federal efforts in this area is very important. Most local school districts cannot afford and do not have the talent to conduct continuing developmental research. I am referring here not to knowledge for the sake of knowledge, but to the application of knowledge to solve problems.

This requires sustained and systematic efforts, and will not be accomplished by spasmodic 1, 2, or 3 year efforts. One of the major problems which has pervaded Federal efforts in the educational research and development area has been a rather erratic and unpredictable funding policy, not only by the Congress but by administrative agencies which too frequently terminate programs just about the time we might begin to gain some knowledge from them.

Another problem may be the amount of money involved in S. 6. Reform is never easy, and I am sure it cannot succeed if there are too many losers. I have worked with a number of States on educational finance reform over the past several years, and as a general rule new money is required to make any substantial reform.

Simply passing laws or handing down court decisions is no guarantee of either action or success. Our experience over the past 20 years at attempts at school desegregation should illustrate that fact.

The important point is that not much is going to occur in providing additional services to meet the needs of all handicapped children unless more fiscal resources are made available.

Some claim there are incentives for mismanagement in S. 6, that there is an incentive to overidentify or to misplace children simply to obtain more money. If the State plans, the individualized programs, the local review agencies and the due process requirements of the law are put in place, I do not feel that this is a valid criticism.

I am sure we have as many rascals in education as there are in any other field of human activity, and there always will be people who try to circumvent the law, but I believe there are sufficient constraints provided in S. 6 to avoid or to control any possible incentives for mismanagement.

Another potential problem is the possibility of confusing labels with educational program needs. A label is useful for targeting resources on the deaf, blind, retarded, et cetera, but a label is of very little help in identifying the specific educational programs needed by the handicapped child.

By using the individualized program approach and due process requirements, I think that we can go far toward insuring that labeling will not lock children into a particular program category, and that placements are changed as the child makes progress and is able to move into a less intensive or a more normalized situation.

I have a lot of difficulty in dealing with the semantics of mainstreaming, normalization, deinstitutionalization, and so on. The words mean different things to different people. One thing is certain, in my judgment: The words imply more than simply placing a child who is handicapped back into a regular classroom situation without any supporting help. They mean providing appropriate services—appropriate in terms of what the child needs, at that point in the time, to take the next step in achieving the goals that have been established cooperatively by the school, the parents and experts in the area of the child's disability.

Finally, I would note problems related to the equalization of access to resources between and among the States. I am going to raise a number of questions here. I do not have answers to them, but I believe they are very basic questions.

One question is: Do variations in excess costs reflect differences in program quality?

We know that the various States spend greatly differing amounts of money for education of the handicapped, and there is also great variation within States with regard to the amount spent.

Frankly, we do not know for sure whether these differences in expenditures reflect program quality or whether they reflect inefficient use of fiscal resources.

A second question is: Does the existing level of service in a State or a district reflect a lack of will, a don't-care attitude, and/or a lack of commitment, or does it reflect a lack of State or local revenue to do the job?

If it reflects a lack of will and commitment, certainly S. 6 can go far toward instilling a bit of will through the due process requirements and the provision that all handicapped children will have access to an appropriate program.

If it reflects a lack of State or local revenue potential, then S. 6 can help with that problem by enabling the Federal Government to share in this cost to the extent of paying three-fourths of the excess cost of the program.

Another question is: Would the approach proposed in S. 6 perpetuate existing inequities among States? To the extent that the current educational programing in a State reflects inferior program quality, we certainly should be concerned that any legislation not inadvertently perpetuate such a situation but rather be designed to improve the level of program quality and services to the handicapped.

Another bothersome question is whether it is politically feasible to ever change the distribution once it is established?

In other words, would S. 6 create another "impacted area" type of legislation where the original intent had great merit but where it is impossible to get rid of it when it has outlived its original purpose.

It is very difficult to ever change a program substantially if many current recipients or beneficiaries are losers. I suspect it is no easier for the Federal Congress to do this than it is for a State legislature to do so.

One of the things I have learned in working with educational finance problems over the past several years is the importance of developing programs which result in minimal loss to anyone, and which are advantageous to nearly everyone. If a substantial number of school districts in a State are disadvantaged by legislative proposals that would change the financing program, it will be very difficult to enact such proposals into law because it simply is not politically feasible to do so.

People are elected to represent their constituents. I cannot conceive that as a legislator I would want to vote, no matter how strong my convictions, for a proposal that would seriously disadvantage a substantial portion of the people I represent.

I do not believe one can consider financing one type of educational program in isolation from the financing of all other educational activities. Consequently, I believe it is important to consider the financing of programs for handicapped children in relationship to the financing of all other types of educational programs.

I do have some fear that excess costs could become a self-fulfilling prophecy. But the requirement that the State or local district pick up 25 percent of the excess costs, provides some safeguard against that possibility.

There is an adage that people are willing to spend other people's money more freely than their own, and I suspect that applies to schools as well.

However, the requirement of a reasonable commitment on the part of the State or the local district to the financing of these programs, should tend to control the temptation involved in spending someone else's money.

I believe I have taken all the time I should this morning, and I appreciate the opportunity to be here and to give my thoughts on this matter.

Senator WILLIAMS. Thank you very much, Dr. Rossmiller.

[The prepared statement of Dr. Rossmiller follows:]

FINANCING EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN

Testimony Prepared for the
Committee on Labor and Public Welfare
Senate of the United States
Concerning
S.6, Education for All Handicapped Children Act

By
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June 24, 1974

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Experience

1950-52, 1954-57	Teacher and Superintendent, Racine County (Wisconsin) Agricultural School
1960-61	Hall Principal, Evanston (Illinois) Township High School
1961-62	Superintendent, Muskego (Wisconsin) Consolidated Schools
1962-	Professor of Educational Administration, University of Wisconsin-Madison
1973-	Director, Research and Development Center for Cognitive Learning, University of Wisconsin-Madison

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Fact Finder, Wisconsin Employment Relations Commission

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Education

1950	B.S. (Agriculture and Education) University of Wisconsin-Madison
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Publications

Dimensions of Educational Need, Gainesville, Florida, National Educational Finance Project, 1969.

The Law and Public School Operation, New York: Harper and Row, 1969.

Educational Programs for Exceptional Children: Resource Configurations and Costs, Madison, Wisconsin: Department of Educational Administration, The University of Wisconsin-Madison, 1970.

Author or coauthor of over 50 other books, monographs, and articles

FINANCING EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN

Richard A. Rossmiller

Americans have always paid their respects to the goal of equality of educational opportunity. Too frequently, however, their tribute has been little more than lip service. The upheavals of the post-Sputnik years have demonstrated clearly that equality of educational opportunity has been much more a myth than a reality. During the late 1950's Sputnik focused attention on our failure to provide adequately for education of the gifted; in the early 1960's we became aware of the educational problems of the poor and compensatory education became the watchword; and more recently, those who feel they are being denied educational equality have turned to the courts and nearly every state has its own version of the Serrano case.

Handicapped children are among the groups who consistently have been denied equality of educational opportunity. They too often have been discouraged from attending the public schools or even excluded from them. Educational programs for handicapped children were practically unknown prior to the present century and even today, many handicapped children are not being provided with educational programs designed to meet their needs. As evidence of the inadequacies of present educational programs for handicapped children, one needs look no further than the legal arena. Parents and others who are concerned about the education of handicapped children have increasingly turned to the courts for help. In Mills vs. Board of Education,[1] for example, it was ruled that failure to provide exceptional children a free and suitable publicly supported education cannot be excused by the claim that there are insufficient funds. A number of court cases have affirmed the right of every child, whether normal or handicapped, to obtain an appropriate education in the public schools.[2]

The question, "What constitutes equality of educational opportunity?" has long been debated. I prefer to think of equality of educational opportunity in terms of access to resources. Using this approach, equality of educational opportunity will exist when every individual is assured of free and equal access to those educational programs which will enable him to develop to the fullest his innate talents, skills and abilities.

This definition does not require that an equal number of dollars be spent for the education of each pupil as is sought by some reformers. We have known for a long time that not all educational programs are equally costly and for very good reasons. The cost of an identical educational program will vary from region to region simply because economic factors such as living costs vary from one place to another. More importantly, children are remarkedly variable. Each child is a unique individual with unique attributes. Some children are gifted with particular ability and talent which deserves special attention; other less fortunate children are handicapped in ways which also deserve special attention.

Provision of equal access to appropriate educational programs is an attainable goal. Such a definition of equality of educational opportunity recognizes the need for program diversity to meet the unique needs of learners and it does not impose standards of performance which are impossible to attain. Thus, it is an appropriate goal to guide the development of programs for financing the education of handicapped children.

The Handicapped Child

Before discussing the financing of educational programs for the handicapped, we should define a handicapped (or "exceptional") child. Kirk's definition is most useful:

> The exceptional child is...that child who deviates from the average or normal child in mental, physical, or social characteristics to such an extent that he requires a modification of school practices, or special educational services, in order to develop to his maximum capacity.[3]

It is also important to know how many children are handicapped, since this information is vital to proper planning. Table 1 contains two estimates of the incidence of handicapping conditions in the United States.

TABLE 1

Estimates of the Incidence of
Various Handicapping Conditions
in the United States

	Estimates of Incidence (%)	
	(1)	(2)
Educable Mentally Retarded	2.00	2.67
Trainable Mentally Retarded	N.E.	0.18
Severely Mentally Retarded	N.E.	0.15
Learning Disabilities	N.E.	2.50
Emotionally Disturbed	2.00	2.00
Speech Handicapped	2.00	3.50
Blind	0.20	0.02
Partially Sighted		0.20
Deaf	1.50	0.07
Hard of Hearing		0.50
Crippled and Other Health Impaired	1.50	0.50
Multi-handicapped	N.E.	0.06
TOTAL	9.20	12.35

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(1) Estimates by Romaine P. Mackie and Lloyd M. Davis, College and University Programs for the Preparation of Teachers of Exceptional Children, USOE Bulletin No. 13, Government Printing Office, 1954.

(2) Current estimates by the author.

The estimates in Column 1 were published in 1954; those in Column 2 are current estimates by the author based on review of a number of state statutes. Several refinements in program categories are evident, as are changes in estimated incidence rates. The mentally retarded category has been subdivided into three groups and the overall incidence has increased from 2.0 percent to 3.0 percent. The category "learning disabilities" has been added with an estimated incidence of 2.0 percent. The incidence of speech handicapped children has increased from 2.0 percent to 3.5 percent. The categories "blind" and "deaf" have been divided to identify separately the partially sighted and the hard of hearing and the incidence of these two conditions has been reduced by nearly 1 percent. The estimated incidence of crippling has been reduced from 1.5 percent to 0.5 percent and a category for multi-handicapped has been added. In total, the estimated incidence of handicapping conditions has increased by over 3 percent. This increase, however, is undoubtedly more the result of improved identification procedures and the development of special differentiated educational programs than of a real increase in the incidence of handicapping conditions over the past 20 years.

It should also be noted that not all handicapped children require special educational programs. Many handicapped children, for example, hard of hearing, partially sighted, crippled and emotionally disturbed children, will not need extensive special programming throughout their school years. Early identification and treatment often can overcome the educational disadvantages associated with a handicap and reduce or eliminate the need for special educational programming. It also should be noted that the intensity of special educational programming needed will vary within each category depending upon the severity of the handicap and the needs of the individual child.

Variations in Special Educational Programming

Within each category of the handicapped several program options are necessary--both to deal with the specific needs of the child and to achieve maximum efficiency in delivering the needed educational services. The range of delivery systems for providing special educational programs was examined at a recent conference sponsored by the Council for Exceptional Children and nine program models were identified:[4]

1. Regular classroom with special consultation to the regular teacher
2. Regular classroom supplemented by an itinerant teacher
3. Regular classroom supplemented by a resource teacher
4. Part-time special education (i.e., student spends most of his time in special classes, but joins other students for certain activities)
5. Full-time special education (i.e., self-contained special class)
6. Special day school
7. Homebound instruction
8. Residential school
9. Hospital

The first three delivery systems provide special educational services to supplement the regular educational program. That is, the handicapped child participates in the regular school program and receives additional help as needed depending upon the nature of the handicap. The additional help ranges from providing consultation and advice to the child's regular teacher in option 1 to providing a room and special teacher within the building where the handicapped child can go for additional help or to obtain special instructional materials under option 3.

In the delivery systems covered under options 4 and 5, the child receives special educational services as a substitute for the regular

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educational program. The child is placed in a special classroom within the regular school building in both models. In option 4 the child joins children in the regular school program for certain activities such as music, art, or physical education. In option 5 the child's entire educational program is provided within a self-contained special classroom.

The programs provided under options 6-9 are provided outside of the regular school building in special schools for the handicapped (option 6); through home instruction (option 7); through placement of the child in a residential school for the handicapped (option 8); or through instruction in a hospital to which the child is confined (option 9).

It should be evident that the "intensity" (as well as the cost) of special programs for the handicapped increases within this continuum of special program options. Option 1, for example, is much less intensive than option 5 and will be considerably less costly. Option 1 may provide adequately for the special educational needs of a mildly handicapped child or for a child who has been able to compensate for his handicap--a partially sighted or hard-of-hearing child, for example. Option 5 or option 6 may be needed, however, to meet the special educational needs of a severely handicapped child.

Three points should be emphasized with regard to these special program options:

1. Within each category of the handicapped, the degree of handicapping varies from mild to very severe with attendant implications for educational programming. Stated another way, not every blind child needs the same special educational program. The program models discussed help plan a special educational program for each child based on his or her specific handicaps.

2. A child should not be "locked in" to any one program option. If a program works, i.e., if it is effective, many children will need less intensive programs as they learn to compensate for their handicap. Provision for systematic reassessment of children is essential. To leave a child in a self-contained

special classroom when that child is capable of making satisfactory progress in a regular classroom if given appropriate additional help is costly and inefficient, to say nothing of the noneconomic costs to the child's self-image and sense of personal worth.

3. Other things being equal, a child should be placed in the least costly program which will permit him to make satisfactory educational progress. Regular class placement is always preferable to special class or special school placement solely on the basis that greater efficiency can be achieved in the use of resources if a child can make satisfactory educational progress in a regular class.

Organizational Problems in Special Programming

Existing patterns of school organization in some states make it difficult, and in some cases impossible, to achieve efficiency in delivering special educational services. Many local educational agencies are too small to provide even one program for each category of handicapped children--let alone the array of program options discussed in the preceeding section. If delivery of special educational services is left solely to local educational agencies, many handicapped children will be served poorly or not at all and few handicapped children will be served efficiently.

Provisions for financing special educational programs for handicapped children certainly should not reward the continued use of inefficient or outmoded delivery systems. Rather, they should encourage creative approaches to the problem of delivering special educational services. Existing local educational agencies need not be completely dismantled, but they should be encouraged to work cooperatively through a consortium of local districts or through intermediate agencies to develop efficient delivery systems. Nearly all local education agencies can provide services through options 1, 2 and perhaps 3, but many of them will be hard pressed to provide services under options 4, 5 and 6. However, a group of local school districts could band together and provide services under options 4, 5, and 6 with one district providing a special class program for the blind, another a special class program for the severely mentally retarded, etc. Intermediate educational agencies (such as the Boards of Cooperative Educational Services in the State of New York) could assume responsibility for providing some or all of the educational programs for handicapped children in a given area. In any event, existing patterns of school district organization should not be permitted to impede the development of arrangements for delivering educational services which will insure that (1) every handicapped child has free access to an educational program which is appropriate to his or her needs and (2) which is provided in the most efficient way possible.

Individualized Programming for the Handicapped

One important aspect of the legislation passed by many of the states mandating the provision of appropriate educational programs for handicapped children is the requirement that an individualized program of instruction be prepared for each pupil based on the pupil's unique needs and abilities. Questions have been raised concerning the feasibility of such a requirement. I can assure you that such a requirement not only is feasible, but is currently being practiced in approximately 1,700 elementary schools in the United States. These schools are using Individually Guided Education, an alternative form of schooling developed by the Wisconsin Research and Development Center for Cognitive Learning and cooperating educational agencies. Individually Guided Education, or IGE as it is more commonly known, is a comprehensive system designed to produce higher educational achievement by providing for differences among children in rate of learning, learning style, level of motivation, and other characteristics. For IGE to work in any elementary school requires an organizational-administrative arrangement that allows each pupil to progress at his/her own rate of learning according to whatever method of instruction is appropriate for a specific learning task. The multiunit elementary school meets these requirements. Before going into a more detailed description of the multiunit school and its operation, it is helpful to briefly describe the seven components of the IGE system.

The Multiunit School--This is the instructional and administrative organization that enables educational decision-making, open communication, and accountability to occur at appropriate levels within the school system.

The Instructional Programming Model--The model provides a framework for teaching children according to their own rates and styles of learning, levels of motivation, and other characteristics while taking into account the general educational objectives of the school.

A Model for Measurement and Evaluation--To individualize instruction effectively it is necessary to have ongoing assessment of children's readiness, progress, and achievement through the use of criterion-referenced tests and other assessment procedures. These assessment procedures are crucial to the evaluation of the instructional program.

Curriculum Materials and Instructional Procedures--The Wisconsin R & D Center has developed individualized curriculum/instructional programs for elementary prereading, reading, mathematics, and motivation. A program in environmental education and a computerized management system are currently being developed. Other individualized curriculum materials are available commercially, as well as others from other educational research and development centers and laboratories.

A Program of Home-School Relations--The students, staff, parents, and citizens who make up the school community must mutually understand each others resources and expectations in order to create and maintain an optimum learning situation.

Facilitative Environments--The multiunit school is one part of a supporting structure that also involves teacher education institutions, state education agencies, and other agencies in relationships established to maintain and strengthen IGE.

Reserach and Development--This last component of IGE provides for continuous infusion into the system of new ideas, teaching procedures, instructional materials and administrative refinements. IGE is a dynamic system; it is constantly being revised and improved as experiences are gained in various situations.

The Multiunit School Organization

Replacing the age-graded self-contained classroom in the IGE system is a team of teachers (one of whom is designated the unit leader), up to 150 pupils with an age span of as much as three years, and a support staff consisting of a student teacher or intern, a teacher aide, and an instructional secretary. Many modifications can be made in organizing teachers and students into these instructional and research units as they are called, depending upon the size of the school, the availability of personnel, and other local factors.

Within each unit the staff members plan, implement, and evaluate an instructional program for each child in that unit. Ongoing staff development occurs in the I & R unit and many units engage in research and development programs and preservice teacher education activities in cooperation with colleges and education agencies. The research part of the title "instructional and research unit" is intended to reflect the continuous, unit-level research that must be done in order to devise and evaluate individual programs of instruction.

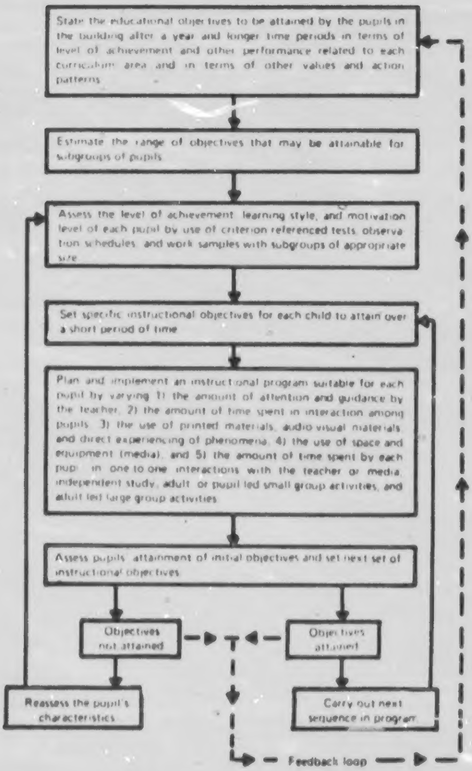
The Instructional Improvement Committee (IIC) within the school is the next step up in the multiunit school organization. It is composed of the principal and the unit leaders. The Instructional Improvement Committee works out the educational program for the entire building based on objectives defined in cooperation with the staff of each unit. IIC members plan and coordinate their program with regard for existing state regulations and school system policies. Inservice activities are also planned by the Instructional Improvement Committee.

Specialists and central office coordinators are brought in as needed to help the Instructional Improvement Committee set up the curriculum, obtain materials, and deal with problems that require specialized knowledge. Basically, however, the school's instructional program is formulated by the principal and the unit leaders, with the unit leaders responsible for involving the members of their units and the principal responsible for seeing that each unit fulfills its function in the total school program.

Individualizing Instruction

The IGE multiunit organizational structure exists for only one purpose--to provide a situation in which each child can be taught according to his individual needs at a pace that is right for him and in a way that efficiently uses the resources available. However, an organization by itself will not produce individualized instruction. To help schools focus on the individual needs of pupils, the Wisconsin R & D Center has developed a Model for Instructional Programming which is shown in Figure 1. The model is designed to answer four basic questions:

Figure 1


State the educational objectives to be attained by the pupils in the building after a year and longer time periods in terms of level of achievement and other performance related to each curriculum area and in terms of other values and action patterns
Estimate the range of objectives that may be attainable for subgroups of pupils
Assess the level of achievement, learning style, and motivation level of each pupil by use of criterion referenced tests, observation schedules, and work samples with subgroups of appropriate size
Set specific instructional objectives for each child to attain over a short period of time
Plan and implement an instructional program suitable for each pupil by varying 1) the amount of attention and guidance by the teacher, 2) the amount of time spent in interaction among pupils, 3) the use of printed materials, audio visual materials, and direct experiencing of phenomena, 4) the use of space and equipment (media), and 5) the amount of time spent by each pupil in one to one interactions with the teacher or media, independent study, adult or pupil led small group activities, and adult led large group activities
Assess pupils' attainment of initial objectives and set next set of instructional objectives
Objectives not attained
Objectives attained
Reassess the pupil's characteristics
Carry out next sequence in program
Feedback loop

Instructional programing model in individually guided education.

1. What seems reasonable for all the children within a given school building to learn within a given curriculum area?
2. Which children need to learn which skills or concepts?
3. What are effective ways to teach these skills and concepts?
4. How does the teacher know what each child has learned?

In the first step of the Instructional Programming Model, educational objectives are adopted or developed by the Instructional Improvement Committee for the student population of the school building. The Instructional Improvement Committee may set target dates for completion and may identify subpopulations by age and ability. The objectives are developed in cooperation with the unit staffs and serve to focus attention on schoolwide priorities. At step two the I & R unit staff faces the task of estimating the placement of subgroups of students for specific objectives. This estimate will be confirmed or revised as a result of the assessment associated with step three. Step three calls for a variety of assessment procedures to determine each child's level of skill development and to pinpoint skill deficiencies. The skills development may be in the area of cognitive skills, in affective areas or in psychomotor skills. Information on learning styles and motivation levels of individual pupils is also obtained in order to plan individual instructional programs.

Moving to step four, suitable specific objectives are selected for each child's instructional program in the days immediately ahead. Selection of an objective for a particular child is not done without considering information about other children's needs. Efficiency in instruction is assured at this point by allowing the choice of objectives for each child to be made in the context of group information and availability of staff. This procedure allows groups of children who are working on a common objective to be identified.

The first phase of step five involves planning an instructional program whereby the child attains his objectives. This is done by an individual teacher taking into account the suggestions of other staff members. Grouping may again be done within the common-objective groupings established in step four. In the second-stage grouping of children more precise choices are made in which pupils are matched to materials with consideration given to their present skill development, rate of learning, and preferred learning styles. A school must have an adequate supply of instructional materials to accommodate differences among pupils in their rate of attaining the same instructional objectives. Providing for differences in learning style requires audio-visual as well as printed materials. Assuming that there is a variety of materials and flexibility in the use of space and staff, the staff may create different learning modes, including one-to-one independent, and various kinds of small-group interaction within the original group.

In step six of the model pupils are assessed to determine whether or not they have attained the objectives. If the child attains the instructional objectives established, he or she then moves ahead in the sequence to the next objective. If a child does not attain the objective established, his or her motivation and readiness to attain it must be re-evaluated, as should other parts of the instructional programming sequence as indicated in the feedback loop of Figure 1.

One of the features of the model that facilitates its translation into practice is the teacher's familiarity with key points. Certainly such ideas as readiness, frequent assessment, grouping and regrouping, and individualization within groups are not new. But many excellent teachers in self-contained classrooms do not have the time to plan and carry out this pattern of instructional programming. In the multiunit environment, the model is both efficient and practical.

What evidence do we have that Individually Guided Education in multiunit schools improves learning for children? Let me cite just a few examples. A recent study comparing thirteen multiunit schools with twelve traditionally organized schools revealed that children in multiunit schools displayed more positive attitudes toward fellow students, their school and their educational experiences. Another study showed that teachers in multiunit schools expressed higher satisfaction with regard to their achievement of personal goals, their relationships with colleagues and their professional accomplishment than did teachers in conventionally organized schools. A third study revealed that scores on the Iowa Test of Basic Skills were higher from pupils in multiunit schools than from pupils enrolled in the same schools before the multiunit organization was adopted. In another study, Metropolitan Achievement Test scores on second- and sixth-graders favored multiunit school pupils over non-multiunit school pupils on every subscale except sixth-grade spelling; the differences ranged from 1 to 11 percentile points.

Switching from a traditionally organized school to a multiunit school involves complex changes in roles and reponsibilities of teachers and principals. Yet in the 1973-74 school year approximately 1,700 elementary schools in 37 states were organized according to the multiunit plan and are employing Individually Guided Education. How did this complete plan for school change grow?

The first year the Wisconsin R & D Center was functioning--1964-65--a group of Center staff members met with representatives of 13 Wisconsin school districts and the Wisconsin Department of Public Instruction to discuss how research could be carried out in schools in order to improve instruction and to generate new knowledge about how children learn. From this initial interchange between educational researchers and practitioners came what today is known as Individually Guided Education. Roles and functions of school staff began to be defined during 1965 and in the second semester of 1965-66, the first 13 instructional and research units were started in four Wisconsin school districts. Center staff members closely monitored activities in these units to determine if objectives were being met. Problems were identified and plans were revised accordingly. In 1966-67, the number of functioning units was increased to 19, and again monitoring and revisions occurred. In 1967-68 seven elementary schools were, for the first time, completely organized into units and the term "multiunit school" was coined. Monitoring and refinement continued. The Wisconsin Department of Public Instruction selected the multiunit school for statewide demonstration in 1968-69 and, in cooperation with the R & D Center and four teacher education institutions, eight new multiunit schools were started bringing the total to 15. By 1969-70 that number jumped to 50, and in the following year 99 Wisconsin schools and 65 in eight other states were organized as multiunit schools. Beginning with the 1971-72 school year, the Wisconsin R & D Center has received support from the Office of Education, the Sears Foundation, the Kettering Foundation's Institute for the Development of Educational Activities, and the National Institute of Education to help additional states and school districts which wish to adopt Individually Guided Education in the multiunit school to make the transition. Research and development to incorporate new knowledge gained through experience continues.

A number of school districts have found Individually Guided Education to be an ideal approach for meeting the educational needs of handicapped children. Experience gained to date indicates it is indeed possible to provide appropriate individualized educational programs for handicapped children within the multiunit organizational structure following the Instructional Programming Model. Instructional materials developed by the Wisconsin R & D Center for use in Individually Guided Education have been found very appropriate for use with handicapped children who are being mainstreamed. Experience to date clearly shows the feasibility of developing individualized programs of instruction for handicapped pupils which will meet their unique needs.

Programs for Financing Special Education

The problems of financing of educational programs for handicapped children received very little attention until recent years. A study undertaken by the Council for Exceptional Children (CEC) in the late 1960's provided the most comprehensive review of state provisions for financing educational programs for handicapped children. The results of the study were summarized as follows:

> ...most states have some form of reimbursement to local school districts for efforts for handicapped children beyond the general school reimbursement....We might group the reimbursement formulae in two overall categories: unit formulae and per pupil formulae.
>
> An example of a pure unit support program is the state of Alabama which provides one unit (which in this case is the minimum foundation support level for a teacher) for each class of special education students. Florida's special education laws are somewhat similar to those of Alabama. Florida, also operating on a unit basis, allows one unit to be granted for every ten exceptional children in special classes, one unit for every ten preschool children, as well as varying units to meet transportation costs. Unit systems such as those described above are most common in states operating under minimum foundation programs. Unit formulae place great fiscal authority in the hands of state boards of education and state legislatures, since the units must be appropriated in order to have any level of state financial assistance.

A second type of unit formulae we might call the percentage reimbursement. A good example of this type of law is Virginia's which provides that the state assume 60% of the cost of teachers salaries at the state minimum salary level, 60% of the hourly rate of visiting teachers, and 100% of the cost for staff serving children in hospitals. Another type of percentage reimbursement might be called the 100% reimbursement or full support program. An example of this can be found in South Dakota where the state provides 100% of the approved amount for the program. Such financial reimbursement formulae can be misleading, since, due to low levels of state appropriations, as well as rapid rates of program growth, financing may be well below the 100% figure.

The second general category of reimbursement is the per pupil reimbursement. Under this system there are three basic patterns with variations.

First, there is the system which might be labeled the "straight sum reimbursement," as typified by the State of Arizona, which provides, in addition to the general state per pupil reimbursement, $600 for each trainable mentally retarded child, and $200 for all other types of handicapped children.

A second type of per pupil reimbursement is the excess cost formula. Under this system, the district first determines a per pupil cost of instruction, then subtracts from this cost the cost of educating a non-exceptional child in the same district. Once the excess cost figure is obtained, there are several variations on reimbursement. The first is exemplified by the State of Pennsylvania which places no limit on the excess cost. Tennessee represents a second type of formula in that the law places specific limitations ($300) on the amount that the state may reimburse. A third variation is found in Michigan where the state reimburses a percentage of the excess cost, depending upon the amount appropriated by the legislature.

The third type of per pupil reimbursement is the weighted formula. An example of this is New Mexico's law which uses a multiplier in determining the reimbursement for handicapped children. The State of Mississippi uses a somewhat similar approach on a unit basis by providing additional teacher units for special classes.[5]

The results of a recent study indicate that there has been little change in state finance programs since the study by the Council for Exceptional children. Thomas was able to place state programs for financing special education into six categories corresponding to those identified in the CEC study with the exception that an additional category, reimbursement for personnel, was identified.[6]

Toward Improved Programs for Financing Special Education

Most people realize that special educational programs for handicapped children are more costly per pupil served than are regular educational programs. Until recently, however, the additional, or excess, cost entailed in providing special educational programs for the handicapped in comparison with the cost of regular programs for nonhandicapped pupils was largely a matter of conjecture. The pioneering research conducted by the National Educational Finance Project established some bench marks in this area and has focused considerable attention on the excess costs involved in various types of special educational programs.[7]

It is certain that the provision made for financing special educational programs will largely determine the nature, scope and efficiency of the delivery systems which develop. Financing provisions can either encourage or stifle the development of efficient delivery systems and can either insure that every handicapped child has access to an appropriate special educational program or that many handicapped children will effectively be denied access to such programs. To develop financing provisions which will achieve the two objectives of assuring equal access to programs and achieving maximum efficiency in the use of resources will require much more data than we presently have concerning the number of handicapped children to be served, the extent to which they are now being served, the array of program options which exist and their distribution within a state, the cost of the existing programs, and (hopefully) the efficiency and cost-effectiveness of the existing programs.

Identifying the Population to Be Served

The first necessary step in providing adequately for the educational needs of handicapped children is to find out how many children are handicapped, the nature and severity of their handicaps, and where these children reside. It is unfortunate that procedures for identifying handicapped children leave a great deal to be desired in most states because early identification and timely treatment is crucial. The handicapping effects of defective vision or hearing, for example, can frequently be reduced if a child is identified early and given training which will help him learn to use other senses to acquire information that normally would be gained through the defective sensory channel.

The task of identifying handicapped children cannot be done by the schools alone. A cooperative venture involving members of the medical profession, public health agencies, welfare agencies and the like will be needed. Not only must information be gathered; it must be updated regularly or normal population mobility will soon make it obsolete. Although the task is not simple, it is impossible for a state to plan adequately to meet the educational needs of handicapped children unless their whereabouts is known and the nature of their handicap has been determined. Unless data are available on the number of handicapped children who need special educational programs, it is impossible to determine the fiscal requirements of alternative financing arrangements.

Availability of Programs

A second requirement for sound fiscal planning is knowledge concerning what programs and program options are currently available throughout the state. Such data are likely to reveal that some areas of a state are well served and other areas are poorly served. Even in areas which appear to be well served, however, program options may be limited in number, and children with some types of handicaps may not be well served. In areas which are poorly served the reasons for the lack of service must be sought. Existing patterns of school district organization may need to be altered, greater cooperation among districts may need to be encouraged, or intermediate agencies may need to be established. If the school district in which a handicapped child resides cannot provide an appropriate and efficient special educational program for that child, alternative arrangements should be considered.

Determining Program Cost

The problems involved in determining the cost of existing special education programs are difficult and vexing. A basic source of difficulty lies in the fact that school accounting systems have traditionally been designed primarily to safeguard public funds--to insure that they are expended properly and that they are not misappropriated or stolen. Providing information concerning the amount of funds expended for various educational programs or program options has until recently not been a matter of concern. Consequently, in most school systems it is extremely difficult to obtain accurate data concerning expenditures in educational programs for handicapped pupils.

It is imperative that data be obtained concerning the cost of various programs if any meaningful estimates of the fiscal requirements of various alternatives are to be developed. Furthermore, the cost of the various programs should be expressed on a common base to facilitate comparisons. The cost index approach developed by the National Educational Finance

Project provides such a common denominator. In the cost index approach, all special program costs are compared with the cost of a defined base program--for example, the cost per pupil of the regular school program for pupils in grades 1-6. A cost index is neither time-bound nor place-bound and permits costs to be compared across programs and among districts. Cost indexes may be determined in either of two ways: (1) empirical studies using actual school system data and (2) theoretical studies utilizing the judgment of recognized authorities to determine the delivery systems and cost factors which would characterize an "ideal" system.

Empirical Studies

The cost indices and cost differentials identified by the National Educational Finance Project were based on empirical studies using data from actual school districts. Several additional studies conducted more recently also utilized data from actual school systems to develop cost indices for individual states. The methodology employed in these studies has been discussed in detail elsewhere[8] and will only be summarized here:

1. Identify the educational program structure for which data are to be obtained in sufficient detail to identify meaningful distinctions between programs.
2. Identify alternative delivery systems which may be employed to provide the programs under consideration.
3. Select a representative sample of school districts which provide the educational programs being studied.
4. Collect the necessary data and compute cost differentials and cost indices by
    a. obtaining the full-time equivalent enrollment in each educational program in each school district,
    b. determining the current expenditure for each educational program in each school district,

c. dividing the total cost of each program by the number of full-time equivalent students in the program,

d. calculating the difference between the cost per pupil of the base program and the cost per pupil of the special program (the cost differential), and

e. dividing the cost per pupil of the special program by the cost per pupil of the base program--the cost index.

The cost indices obtained from the National Educational Finance Project research and from studies conducted in several states are shown in Table 2. It should be noted that caution is required when comparing these cost indices. The requirements for placement in the various special education program categories vary from one state to another, as do requirements for teacher certification, class size, and a host of other factors which are likely to influence the cost of a given program. The data contained in Table 2, however, do provide useful estimates of the relative cost of educating children who have physical, mental, or emotional handicaps.

The first column in Table 2 (headed NEFP) lists the cost indices obtained in the research conducted for the National Educational Finance Project. These indices were based on the cost of the regular educational program provided for pupils in grades 1-12 in each district and made no differentiation between the cost of elementary and secondary school programs. The indices for Kentucky, Delaware and South Dakota were obtained from studies conducted in each of these states using the same general techniques and procedures that were used in the original National Educational Finance Project study. In the case of the state studies, however, data were subdivided according to elementary and secondary school programs. The cost indices obtained for Kentucky were based on a study involving 28

TABLE 2

Cost Indices for Educational Programs for Handicapped Children

Program \ Study	NEFP*	Kentucky**	Delaware**	Indiana	Texas	South Dakota
Elementary Programs		1.76	1.71	1.48	2.21	2.55
Gifted	1.13	1.88	--	--	--	--
Educable Mentally Retarded	1.92	1.68	1.49	2.03	--	2.43
Trainable Mentally Retarded	2.20	1.73	1.67	2.04	--	2.92
Learning Disabilities	2.50	1.52	2.29	1.50	--	2.47
Emotionally Disturbed	3.70	1.60	1.92	--	--	3.36
Speech Handicapped	1.25	1.62	--	1.22	1.36	--
Blind	3.48	--	1.83	--	--	--
Partially Sighted	3.48	1.79	1.83	--	--	--
Deaf	3.15	1.65	3.03	1.55	--	--
Hard of Hearing	3.15	1.62	3.03	--	--	--
Orthopedically Handicapped	3.26	1.54	1.76	4.18	--	3.94
Multiple Handicapped	2.80	1.65	--	--	--	--
Secondary Programs		1.80	1.51	--	2.29	2.41
Gifted	1.13	1.49	--	--	--	--
Educable Mentally Retarded	1.92	1.49	1.35	--	--	1.72
Trainable Mentally Retarded	2.20	1.48	1.24	--	--	1.69
Learning Disabilities	2.50	--	2.24	--	--	--
Emotionally Disturbed	3.70	1.35	1.95	--	--	--
Speech Handicapped	1.25	1.91	--	--	--	3.96
Blind	3.48	--	2.48	--	1.29	--
Partially Sighted	3.48	1.70	2.48	--	--	--
Deaf	3.15	1.22	3.05	--	--	--
Hard of Hearing	3.15	1.25	3.05	--	--	--
Orthopedically Handicapped	3.26	--	1.29	--	--	12.04
Multiple Handicapped	2.80	--	--	--	--	--
Occupational Programs	1.80	1.55	1.60	--	--	--
Preschool Programs						
Kindergarten	1.30	1.05	--	1.03	1.06	--

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*Elementary and secondary levels were not distinguished; the base cost was 1-12 inclusive.

**Base cost for the secondary special programs was the secondary regular program.

representative school districts; the Delaware study included all school districts in Delaware; and the South Dakota study included 13 of the largest school districts in South Dakota. The indices reported for Indiana are from a doctoral dissertation at Indiana University and those for Texas were obtained from a study conducted for Texas by the staff of the National Educational Finance Project. The Texas study did not deal with each program in detail; hence data are reported only for all elementary and all secondary school programs with the exception of the program for speech handicapped pupils.

Theoretical Studies

A theoretical approach to identify the "excess" cost of educating handicapped children was employed at a recent conference sponsored by the Council for Exceptional Children.[9] The methodology used was as follows:

1. Define a set of program delivery systems, or optional ways of providing services to handicapped children.
2. Establish incidence figures (percentages of school age children) for each handicapping condition.
3. Using a sample school district (either real or hypothetical), calculate the number of children with each handicapping condition who could be expected to reside in the district.
4. For each type of handicap, determine what percentage of children with that handicap could best be served by each delivery option (a) at the present time and (b) ideally.
5. Determine the number of children with each type of handicap who would be served by each delivery system option (by applying the percentage from Step 4 to the number of children in each category of handicap from Step 3).
6. Establish the appropriate ratio of professional personnel to children for each delivery system model and type of handicap served both (a) at the present time and (b) ideally.
7. Compute the cost for each delivery system option and type of handicap.
8. Compare the "standard" costs from Step 7 with the costs of serving non-handicapped children in the school district to determine the "excess" costs of serving handicapped children.

Using the above methodology, the incidence estimates shown in Column 2 of Table 1, the delivery system options discussed earlier in this paper, and data from a midwestern county which included large city, suburban and rural areas, it was found that the average per pupil cost for special education was 2.4 times the average per pupil cost of regular education if present practice is assumed, and that the ratio is 2.1 if optional practice is assumed. These cost indexes are somewhat higher than those which have been found in the emperical studies of program costs.

Some Limitations of Cost Indexes

Cost indices are especially useful for statewide planning. The availability of accurate cost indices for a state should permit school officials and legislators to make much more accurate estimates of the amount of revenue needed to provide adequately for the special educational needs of handicapped pupils.

One limitation of cost indices arises from the fact that a cost index generally is expressed as either a statewide average or a median. Half of the school districts in a state will be spending more than the statewide average and the remaining half of them will be spending less than the average. It should be obvious that using the average cost of all special educational programs in the state as a basis for allocating funds to individual districts is no guarantee that adequate provision will be made for the special educational needs of pupils in these districts. And using the average cost for a particular special educational program statewide as a basis for allocating funds confronts the same problem. Provision must be made in any financing program to deal adequately with the fiscal needs of individual districts which deviate from the state average for good and sufficient reasons.

A second limitation of cost indices resides in the fact that they reflect current educational practice. That is, they reflect neither the efficacy nor the efficiency of an educational program. They reflect only what is currently being done, not what could be done (or should be done) in the way of educational programming for specific pupils. A cost index for a given district may be high because the district is not using its resources efficiently. On the other hand, a high cost index for a particular educational program may be unavoidable in some districts for reasons such as unusual transportation costs or a limited number of eligible pupils. Either of these two factors, as well as several other factors, could increase the per pupil cost of the program and thus increase the cost index. A program for financing education for handicapped pupils must be flexible enough to accommodate necessary differences in expenditure from one district to another, and at the same time, avoid subsidizing inefficiency in the provision of educational services.

A third limitation of cost indices is closely related to the second. Cost indices show the relative cost of educating pupils in special programs compared with the cost of educating pupils in regular programs. They do not provide information as to how wisely or how efficiently funds are being expended for either regular or special educational programs. It is possible that a given special educational program could be offered to an equal number of students, could provide the same educational services, and could cost the same amount per pupil in two school districts but the cost indexes in the two districts could differ because of differences in the cost of the regular program in each district. Since a cost index provides no information about the efficiency and effectiveness of the regular school program, a low cost index may mask an inefficient regular school program which has an unnecessarily high cost per pupil. The opposite could also be true; if a district is spending at a low rate for pupils in its regular program, the cost index for special programs will be higher.

A fourth limitation of cost indices can arise if the relative cost of the various delivery systems is not considered when developing the cost index. There is reason to believe that when full-time equivalent pupils served is considered, special classes or special schools for handicapped children are more costly delivery systems than are those which provide supportive services to handicapped pupils who are enrolled in regular programs. A cost index which lumps together all programs for educating a particular category of handicapped children without regard to the way in which educational services are delivered to such children will mask a great deal of cost variation within these programs.

Finally, it should be noted that, for a variety of reasons, costs will vary between districts for identical programs. In some districts, for example, the cost of transporting pupils involved in special programs will be much greater than in other districts. Another very important factor in determining the relative cost of educational programs is the pupil/teacher ratio. Some districts will have too few pupils to operate a program at maximum efficiency, but pupils who live in these districts certainly should not be denied access to the educational programs they need simply because there are not enough of them to operate a program at maximum efficiency. Differences in salaries and in the cost of educational supplies and materials exist between districts and these differences will be reflected in educational program cost and in cost indices.

NOTES

1. Mills vs. Board of Education of District of Columbia, 348 F. Supp. 886 (D.D.C. 1972).

2. See, for example, Pennsylvania Association of Retarded Children vs. Commonwealth of Pennsylvania, 344 F. Supp. 1257, (E.D.Pa. 1971) and Lebanks vs. Spears, ___ F. Supp. ___ (E.D.La. 1973).

3. Samuel A. Kirk, Educating Exceptional Children (Boston: Houghton-Mifflin, 1962), pp. 4-5.

4. Graeme M. Taylor, "The Special Costs of Special Education," 1973. (Mimeo)

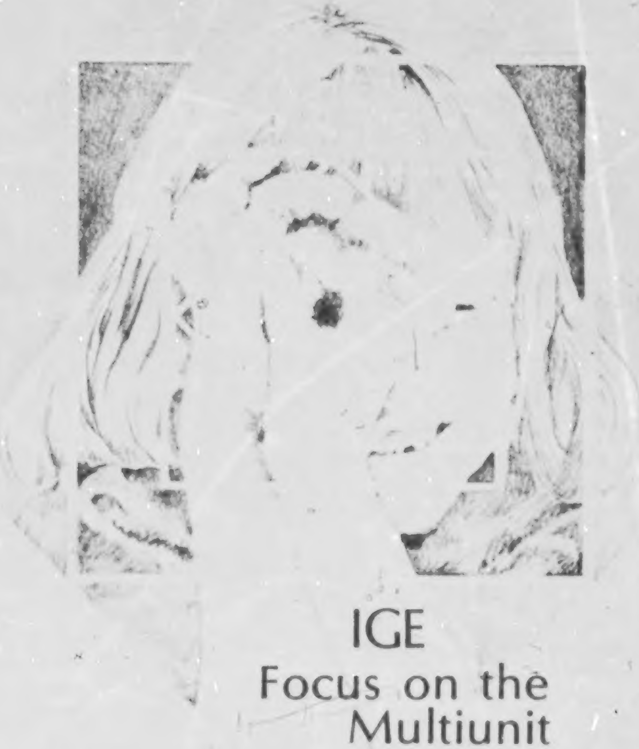
5. Council for Exceptional Children, "Summary of Analysis of State Special Education Finance Laws," 1968. (Mimeo)

6. Sister Marie Angela Thomas, "Finance: Without Which There Is No Special Education," Exceptional Children (March, 1973), pp. 475-480.

7. R. L. Johns, et. al., Alternative Programs for Financing Education, NEFP, Vol. 5 (Gainesville, Florida, National Educational Finance Project, 1971).

8. Richard A. Rossmiller and Thomas H. Moran, "Cost Differentials and Cost Indices: The Assessment of Variations in Educational Program Costs." (To be published in the Proceedings of the 15th National Conference on School Finance, forthcoming).

9. Taylor, op. cit.



IGE
Focus on the Multiunit School

In Nebraska

"I believe that this framework provides us with a workable opportunity to do something about individualizing instruction rather than just talk about it." Elizabeth Dillon, Director of Staff Development, Lincoln Public Schools.

In South Carolina

"Through interviews with children, teachers, principals and parents, we believe that we are on the right track. Attendance is up; suspensions are down." Edith Jensen, IGE Facilitator, South Carolina Department of Education.

In Wisconsin

"We feel that we can provide better for individual children by being able to have more exchange of everything - children and ideas." Helen Stone, Unit Leader at McKinley School, Appleton

In California

"I think IGE is going to expand as people see the results that 111th Street School is getting; they are just busting up the myth that poor kids can't learn, that inner-city kids can't learn." William Anton, Title 1 Director, Los Angeles City School District.

All over the country educators are responding enthusiastically to the multiunit school organization, a component of the system of Individually Guided Education.

Individually Guided Education (IGE) is an alternative form of schooling developed by the Wisconsin Research and Development Center for Cognitive Learning and cooperating educational agencies. IGE is a comprehensive system designed to produce higher educational achievements by providing for differences among children in rate of learning, learning style, level of motivation, and other characteristics. For IGE to work in any elementary school requires an organizational-administrative arrangement that allows each pupil to progress at his own rate of learning according to whatever method of instruction is appropriate for a specific learning task. The IGE multiunit elementary school (IGE/MUS-E) meets these requirements.

Before going into a detailed description of the multiunit school it will be helpful to see how it fits into the total IGE system. There are seven components of IGE:

The Multiunit School (MUS)

This is the instructional and administrative organization that enables educational decision making, open communication, and accountability to occur at appropriate levels of the school system.

The Instructional Programing Model (IPM)

The model provides a framework for teaching children according to their own rates and styles of learning, levels of motivation, and other characteristics while taking into account the general educational objectives of the school.

Curriculum Materials and Instructional Procedures

The Wisconsin R & D Center has developed individualized curriculum/instructional programs for elementary prereading, reading, mathematics, and motivation. A program in environmental education and a computerized management system are currently being developed. Other individualized curriculum materials are available commercially, as well as from other educational research and development centers and laboratories.

A Model for Measurement and Evaluation

To individualize instruction effectively, it is necessary to have ongoing assessment of children's readiness, progress, and final achievement by the use of criterion-referenced tests and other assessment procedures. These assessment procedures are crucial to the evaluation of the instructional program.

A Program of Home-School-Community Relations

The students, staff, parents, and citizens who make up the IGE school community must mutually understand each other's resources and expectations in order to create and maintain an optimum learning situation.

Facilitative Environments

The multiunit school is one part of the supporting structure that also involves teacher-education institutions, state education agencies, and other agencies in relationships established in order to maintain and strengthen IGE.

Research and Development

This last component of IGE provides for continuous infusion into the system of new ideas, teaching procedures, and instructional materials as well as administrative refinements. For IGE to remain viable it must be capable of incorporating change.

Now let's look closely at the multiunit school—the way it is organized, staff roles and responsibilities, the focus on individualized instruction, some research findings on how well it works, and the [illegible] of getting [illegible] multiunit school.

the Multiunit School Organization

A school adopts the multiunit organization both to facilitate the process of individualizing instruction and to expand the participation of all the staff in formulating and carrying out an educational program for a large number of children within a broad range. Figure 1 shows the MUS-E organization and the overlapping relationships that exist at the three operational levels of a multiunit school: the Instructional and Research (I & R) unit at the classroom level, the Instructional Improvement Committee (IIC) at the building level, and the Systemwide Policy Committee (SPC) at the district level.

Instructional and Research Unit (I & R)

Replacing the age-graded self-contained classroom, the I & R unit is composed of a team of teachers (one of whom is designated unit leader), up to 150 pupils with an age span of as much as three years, and a support staff consisting of a student teacher or intern, a teacher aide, and an instructional secretary. The organizational chart depicted in Figure 1 is a prototype—in practice, many modifications can be made in organizing teachers and students into I & R units, depending on the size of the school, the availability of personnel, and other local factors.

Within each unit of the school, the staff members plan, implement, and evaluate the instructional program of each child in that unit. Ongoing staff development occurs in the I & R unit, and many units engage in various research and development programs and preservice teacher education activities in cooperation with colleges and education agencies. The research part of the title "Instructional and Research unit" is also meant to reflect the continuous, unit-level research that must be done in order to devise and evaluate individual programs of instruction.

Instructional Improvement Committee (IIC)

The IIC is the next step up in the multiunit school organization. It is composed of the principal and all the unit leaders; as such it is the link between the classroom and the district administration. The IIC works out the educational program for the whole building based on objectives defined in cooperation with unit staffs. IIC members plan and coordinate their program with regard for

existing state regulations and school system policies. Inservice activities also are planned and implemented by the IIC.

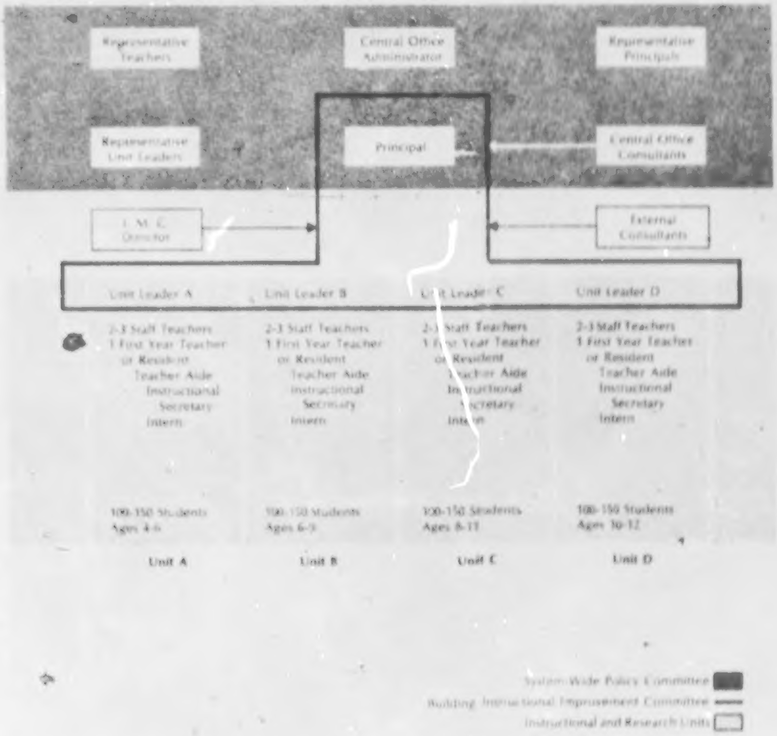
Specialists and central office coordinators are brought in as needed to help the IIC set up the curriculum, obtain materials, and deal with problems that require specialized knowledge. Basically, though, the school's instructional program is formulated by the principal and the unit leaders, with the unit leaders responsible for involving the members of their units and the principal responsible for seeing that each unit fulfills its function in the total program.

Systemwide Policy Committee (SPC)

Facilitating the change from a traditional to a multiunit school organization requires a systemwide organization that takes into account the special requirements of a multiunit school. The typical SPC is chaired by the district superintendent or his designee with representative central office staff, multiunit school principals, unit leaders, and teachers. The SPC establishes broad guidelines regarding major functions of each multiunit school, recruitment and inservice education of new teachers, purchase of instructional materials, public information, and affiliations for research and development.

Figure 1

Organizational Chart of a Multiunit School


Representative Teachers
Central Office Administrator
Representative Principals
Representative Unit Leaders
Principal
Central Office Consultants
I. M. C. Director
External Consultants
Unit Leader A
Unit Leader B
Unit Leader C
Unit Leader D
2-3 Staff Teachers
1 First Year Teacher
or Resident
Teacher Aide
Instructional
Secretary
Intern
100-150 Students
Ages 4-6
Ages 6-9
Ages 8-11
Ages 10-12
Unit A
Unit B
Unit C
Unit D
System-Wide Policy Committee
Building Instructional Improvement Committee
Instructional and Research Units

Roles and Responsibilities

Along with the organizational changes come a great many modifications in what is required of all the people involved with a multiunit school. Although the emphasis here will be placed on how these changes affect teachers, unit leaders, and principals, children are also expected to take more responsibility for what they do in school. In a multiunit school students participate in setting personal and group objectives whenever it is appropriate. We think this is good for children and others agree. Tom Loveall, principal of a multiunit school in Appleton, Wisconsin, says that his pupils have benefited by the additional freedom—and concomitant responsibility—introduced by IGE. Ruthelen Sittler, principal of Lincoln, Nebraska's Hawthorne School, says, "Sometimes the children who have a difficult time adjusting to a self-contained classroom for six hours have more freedom and can learn about their own capabilities in the multiunit approach."

Principal

Shared decision making in the multiunit school brings the principal into close contact with the unit leaders and staff teachers. At the weekly IIC meetings unit leaders keep the principal and one another up to date on what is happening in the units so that continuous evaluation can be made of the school's progress toward its educational objectives. The principal is responsible for instructional leadership and retains all of his administrative duties, which include managing the preservice and inservice activities within his school, overseeing research and development efforts, reporting to the school board, obtaining consultants, and supervising and evaluating the staff. But most important, he brings together the talents of all the staff to plan and then to refine and maintain an individually guided educational program.

Tom Loveall expressed his attitude toward the multiunit organization:

> Myself, I find it enjoyable; I find it interesting. I am getting closer to my staff and have more knowledge about what they are doing. I think we are working more as a team. You become more aware of the relationships between teachers, between units, between principal and teachers and I think it is a better situation. I wouldn't trade it . . . I could never go back to a self-contained building.

Unit Leader

Although all staff members will find their roles considerably changed under this organization, the only *new* position created in the differentiated staffing pattern of a multiunit school is that of unit leader. The unit leader is an experienced teacher selected to coordinate the activities of the unit members with regard to instruction and staff development. Although a considerable amount of time is spent in planning with unit staff and IIC members and working with student teachers, interns, and aides, the unit leader remains a teacher and maintains contact with all the children in the unit. About eighty percent of the unit leader's time is devoted to teaching. It also should be stressed that the unit leader is not a supervisor or administrator, but rather is a coordinator of resources—human and material.

Staff Teacher

Goodbye to the old days of isolated teaching! In the multiunit school the teacher is an equal participant in group decision making for a large number of children over a wide educational spectrum. The possibilities for professional satisfaction are much greater in this situation; the teacher has the opportunity to develop and fully express his professional expertise because more options are available in terms of what and how he teaches when he is part of a team.

The unit staff members meet at least two hours a week to discuss the instructional program and to make whatever adjustments are needed to keep pace with the changing needs of the children. Evaluation is continuous, and the structure of the unit is flexible enough to allow frequent regrouping of students and teachers so that particular skills and subject areas are taught in the most efficient and effective way, ranging from one-to-one instruction to small- and large-group sessions. The type of learning situation selected for each child depends not only on skill needs but on other individual characteristics such as motivation and learning style. This differs from other methods of individualization that rely primarily on self-instructional materials. In IGE whatever methods are adopted, the decision is made cooperatively at the unit level. Schools have found that joint decision making leads to more precise assessment of needs, more creative approaches to meeting those needs, and a more stimulating educational environment. As Appleton, Wisconsin, teacher Bob Goldsmith said, "One of the main differences is the ease in planning. I get ideas from other people. I help other people. When I have a problem with a child, there are other people who also come in contact with that child and we can work together to solve the problem."

Student Teacher or Intern

The multiunit school offers a unique experience for the student teacher or intern. He is included in unit meetings and has the opportunity to observe and work with each teacher in the unit in a wide range of teaching situations. As the semester progresses the student teacher assumes greater responsibility in professional activities and may also become actively involved in research and development projects.

Aides and Secretaries

All this time for creative planning and teaching is at least partly due to the extensive use of teaching aides and instructional secretaries. In the multiunit school the appropriate use of aides and secretaries enables teachers to be relieved of as many noninstructional activities as possible in order to concentrate on more professional tasks. Para-professionals can be of assistance in areas such as tutoring and test administration as well as grading papers. They are an intergral part of the unit, frequently attending unit meetings and offering insights that are helpful to the teachers in making instructional decisions.

This instructional assistance may be provided by volunteers. Many multiunit schools have obtained volunteer aides from high schools or the surrounding neighborhood. In addition to part-time and full-time paid aides, the 111th Street School in Los Angeles enjoys the services of 25 adult volunteers who are part of a parent education program conducted by the school. Principal Lovelia Flournoy said, "We get people who are really dedicated to a program of this type. You heard one woman talk about how dedicated she was. She was here before the program started, and she can see the changes in the children, their attitudes and also their progress."

Individualizing Instruction

The IGE multiunit organizational structure exists for one purpose—to provide a situation in which a child can be taught according to his individual needs, at a pace that is right for him, and in a way that efficiently uses the resources available. However, the organization by itself will not produce individualized instruction. To help schools focus on individual needs the R & D Center has developed a model for instructional programing (Figure 2). The model is designed to answer four basic questions:

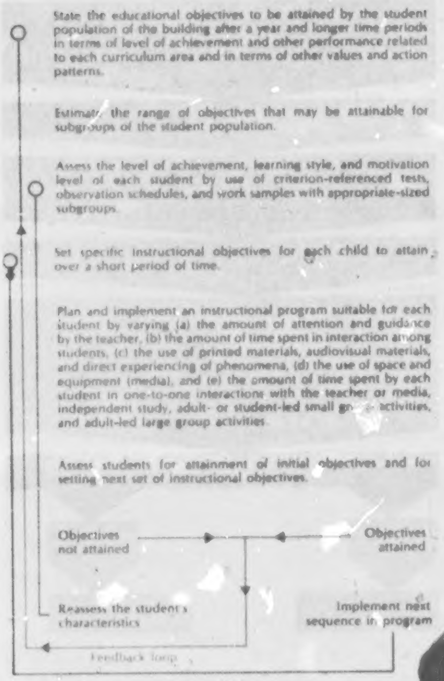
- What seems reasonable for all the children within a given school building to learn within a given curriculum area?
- Which children need to learn which skills or concepts?
- What are effective ways to teach these skills and concepts?
- How does the teacher know what each child has learned?

In the first step of the Instructional Programing Model, educational objectives are adopted or developed by the IIC for the student population of the building. The IIC may set target dates for completion and identify subpopulations by age and ability. The objectives are developed in communication with the unit staffs and serve to focus attention on schoolwide priorities.

At Step II the I & R unit staff faces the task of estimating the placement of subgroups of students for specific objectives. This estimate will be confirmed or revised by the assessment associated with Step III. Step III calls for a variety of assessment procedures to determine each child's level of skill development and to pinpoint skill deficiencies. Information on learning styles and motivation levels is also obtained in order to plan individual instructional programs.

Moving to Step IV in the model, a suitable objective is selected for each child's instructional program in the days immediately ahead. Selection of an objective for a particular child is not done without considering information about other children's needs. Efficiency in instruction is assured at this point by allowing the choice of an objective for each child to be made in the context of group information and availability of staff. The group is the set of children identified to work on a common objective.

Figure 2 Instructional Programing Model



State the educational objectives to be attained by the student population of the building after a year and longer time periods in terms of level of achievement and other performance related to each curriculum area and in terms of other values and action patterns.

Estimate the range of objectives that may be attainable for subgroups of the student population.

Assess the level of achievement, learning style, and motivation level of each student by use of criterion-referenced tests, observation schedules, and work samples with appropriate-sized subgroups.

Set specific instructional objectives for each child to attain over a short period of time.

Plan and implement an instructional program suitable for each student by varying (a) the amount of attention and guidance by the teacher, (b) the amount of time spent in interaction among students, (c) the use of printed materials, audiovisual materials, and direct experiencing of phenomena, (d) the use of space and equipment (media), and (e) the amount of time spent by each student in one-to-one interactions with the teacher or media, independent study, adult- or student-led small group activities, and adult-led large group activities.

Assess students for attainment of initial objectives and for setting next set of instructional objectives.

Objectives not attained
Objectives attained
Reassess the student's characteristics
Implement next sequence in program
Feedback loop

The first phase of Step V involves planning an instructional program whereby the child attains his objectives. This is done by the individual teacher taking into account the suggestions of other unit staff members. Grouping may again be done within the common-objective groupings established in Step IV. In the second-stage grouping of children, more precise choices are made in which pupils are matched to materials with consideration given to their present skill development, rate of learning, and preferred learning styles. A school should have an adequate supply of materials to accommodate differences among pupils in rate of attaining the same instructional objectives. Providing for differences in learning style requires audiovisual as well as printed materials. Assuming that there is a variety of materials and flexibility in the use of space and unit staff, the staff may create different learning modes, including one-to-one, independent, and various kinds of small-group interaction within the original group.

In Step VI of the model pupils are assessed to determine attainment of objectives. If the child attains his instructional objective, he then moves ahead in the sequence to the next objective. If a child does not attain his objective his motivation and his readiness to attain it must be evaluated as should other parts of the instructional programing sequence as indicated in the feedback loop of Figure 2.

One of the features of the model that facilitates its translation into practice is the teachers' familiarity with key points. Certainly such ideas as readiness, frequent assessment, grouping and regrouping, and individualization within groups are not new. But many excellent teachers in self-contained classrooms do not have the time to plan and carry out this pattern of instructional programing. In the multiunit environment, however, the model is both efficient and practical.

Evaluative Studies

The Wisconsin R & D Center has conducted research on the multiunit school organization and its effect on the teachers and students. A few of these studies are briefly reported here, and more detailed research information is available from the Center.

Learning Climate

Richard Nelson's study, *An Analysis of the Relationships of the Multiunit School Organizational Structure and Individually Guided Education to the Learning Climate of Pupils*, reports a comparison of 13 multiunit and 12 nonmultiunit schools in terms of learning climate. A modified School Morale Scale and Semantic Differential of Self-Concept as a Learner were among the instruments used to gather data.

Nelson found that multiunit schools have a more positive learning climate and that students in multiunit schools have better self-concepts as learners. Multiunit school pupils also displayed more positive attitudes toward fellow students, their school, and instruction than did students in the control schools, although there were no differences in attitudes toward teachers or principals.

Staff Relationships

An Analysis of the Relationship Between Effectiveness of the Multiunit Elementary School's Instructional Improvement Committee and Interpersonal and Leader Behavior, by Kenneth B. Smith, details the effectiveness of the IIC in 31 multiunit elementary schools. Data consisted of responses by principals, unit leaders, and staff teachers to factual and attitudinal questionnaires.

Analysis of the data revealed a strong relationship between the effectiveness of the IIC and the compatibility of its members. The principal's relationships with the other IIC members was a prime positive factor and large size of the IIC was a negative factor in effectiveness.

Organizational Adaptiveness

Another study, *The Relationship of Organizational Structure to Organizational Adaptiveness in Elementary Schools*, by James E. Walter, explored the ability of schools to individualize instruction. Twenty multiunit and 18 traditional schools were included in the study. The results showed that staffs in multiunit schools are significantly more likely to carry out activities which are considered good individualization practices than are staffs of nonmultiunit schools.

Costs

Nancy Evers has written a report, *IGE/MUS-E Implementation Cost Survey*, which examines the increases or decreases in costs following installation of the multiunit system in 39 schools in eight states.

There was no increase in student costs, and the only increase in expenditures for staff was due to the employment of more paraprofessionals (median addition of four per building). Staff development increased $250 for inservice materials and $500 for workshops and conferences (median costs) but remained stable for consultant services. The majority of schools reported no increase or decrease in expenditures for instructional materials and equipment or for school plant and furnishings.

A study conducted by the Janesville, Wisconsin, school system compared the operating costs of five multiunit and nine nonmultiunit schools. Lower personnel costs ($16 per pupil) in the multiunit schools were attributed to smaller expenditures for substitute teachers and somewhat higher teacher/pupil ratio than in the nonmultiunit schools. The same study also concluded that there was no difference in the cost of instructional materials for the two types of schools.

William Bailey, Superintendent of Instruction for the Los Angeles School System, expressed his satisfaction with IGE:

> You know, one of the attractive features, too, for hard-pressed budgets lies in the fact that IGE does not require a great deal of pulling out of funds that you have allocated someplace else. This is a most attractive feature. So often when you talk about a new system or a new project and you ask the cost of it there is a lot of hardware and a lot of software, too, and you run into a couple of thousand dollars before you get around the corner. That is not the case with IGE.

Pupil Achievement

In 1972 the Cedarburg, Wisconsin, school system used achievement tests and attitude surveys to evaluate three schools that had adopted the multiunit system in 1969-1970. Comparisons were made to baseline data gathered in 1966. Iowa Tests of Basic Skills scores indicated that vocabulary increased from 3.89 to 4.18, math from 3.90 to 4.23, and language from 3.89 to 4.40. A rise in grade equivalents was found for every skill in each grade tested (grades 3-5).

In the Janesville report previously described, mean percentile scores on the Metropolitan Achievement Tests were compared for second and sixth graders in two multiunit and two nonmultiunit schools. Only in sixth grade spelling did students in the nonmultiunit schools score higher. In reading, math, science, and social studies the multiunit school children measured from 1 to 11 percentile points higher than their counterparts in the two nonmultiunit schools.

A parent in Columbia, South Carolina, summed up feelings about IGE that are frequently expressed,

> I like IGE because the students and teachers like it! The atmosphere is relaxed and stimulating at the same time. Each student seems eager to work and achieve at his own level and pace and they all seem to be enjoying it thoroughly. It just makes sense that you learn more when you're enjoying it. My hat is off to the teachers who . . . make IGE work, and to the students who are making it all worthwhile.

How to Get Started

There are many factors that go into a system of individually guided education in the multiunit school. Where does one begin in trying to adopt such a complex program? The Center has devised a four-stage model of implementation that describes the phases of initial awareness, first-year installation, refinement, and institutionalization of IGE.

Awareness

In order to present more detailed information about the multiunit school and other elements of IGE the Center provides conferences and printed materials that help potential users decide whether to adopt IGE.

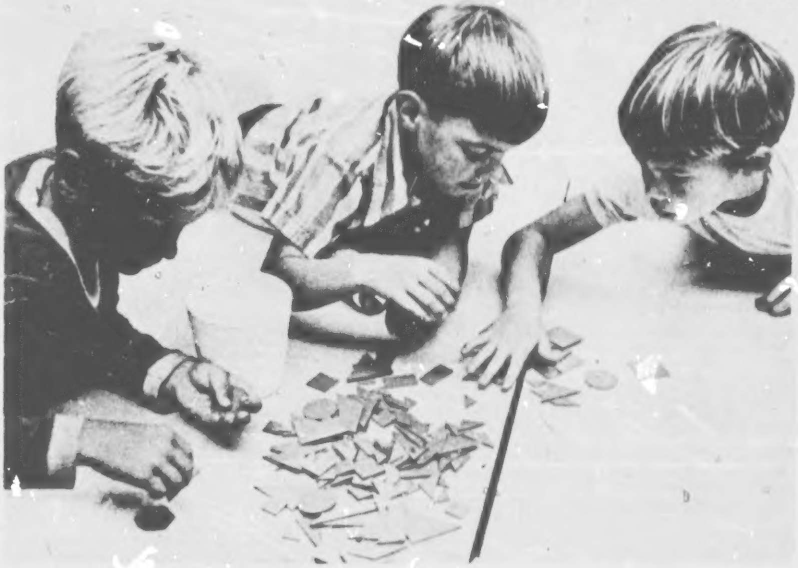
As a first step, a principal or central office person hears about multiunit schools and decides to go to a conference for administrators. After the conference he returns to his school or district and informs others about IGE and the multiunit school organization. Teachers are very much involved in making the decision to become a multiunit school—active support of the staff is essential if the new organization is going to function effectively. If agreement to implement is reached among the teachers, principal, and superintendent, then steps are taken to inform and get the support of the community, to select unit leaders, and to plan for teacher inservice.

First-Year Installation

Following the decision to implement the system, prospective unit leaders and their principal attend a three-day workshop that will give them the necessary knowledge and skills to reorganize their school. Getting started is a lot of work—there's no way around it—and the Center recommends allowing as much as one year for preparation. The principal and unit leaders (now officially an Instructional Improvement Committee) must assign teachers and students to units, arrange schedules that will allow time for unit and IIC meetings, evaluate space needs, and make decisions regarding the individualized curriculum as well as attend to other planning tasks.

The next major step for the IIC is to conduct a three-to-five-day inservice education program for the entire staff. This is similar to the workshop that was attended by the principal and unit leaders, and should be held before the opening of school. Also a school should plan to hold at least four half-day inservice workshops during the school year; maintenance at this early stage is very important.

Statewide networks of IGE schools, state and local education agencies, and teacher education institutions are being created in order to provide preservice and inservice education to school staffs.



Refinement and Institutionalization

The refinement phase is comprised of short intensive institutes for experienced multiunit school personnel. These institutes are offered by teacher education institutions and are designed to sharpen the skills of building principals and unit leaders and increase their understanding of IGE. In the final phase, institutionalization, on-campus preservice and graduate-level programs are organized to prepare teachers, unit leaders, and principals to carry out their roles in multiunit schools. Currently underway at the R & D Center is a teacher education project funded by The Sears Roebuck Foundation to develop instructional materials for preservice and graduate programs, to encourage teacher education institutions in starting these programs, and to form state networks that involve all three agencies.

Awareness	One-day Awareness Conference	October-November
	Decision Phase	December-February
	3-day Principal-Unit Leader Workshop	February-April
	3-5 day Pre-Opening-of-School Workshop	August
First Year Implementation	One-half day Inservice	October
	One-half day Inservice	January
	One-half day Inservice	February
	One-half day Inservice	April

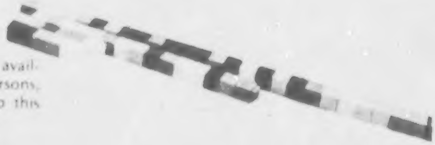
Figure 3 Inservice Sequence

At the end of the 1970-71 school year there were 164 multiunit schools in eight states. In the spring of 1971 the Department of Health, Education, and Welfare selected the multiunit school organization for nationwide installation through the R & D Center. /I/D/E/A/ of the Kettering Foundation is carrying out its own inservice program to implement the multiunit school approach. The combined efforts of the two organizations has resulted in nearly 1500 additional schools adopting this system.[1] Now schools throughout the country are being introduced to Individually Guided Education by the R & D Center under the auspices of the National Institute of Education.

An insert to this brochure lists the many print and film materials that describe IGE and the multiunit elementary school. These materials are normally used in installation and inservice activities, but some may be purchased for general information purposes. Once again, the sequence of awareness and installation activities is:

1. A one-day workshop for administrators and central office personnel
2. A three-day workshop for principals and prospective unit leaders
3. A three-to-five-day workshop held for the entire building staff before school opens
4. Four half-day inservice sessions for the entire building staff during the first year

Figure 3 depicts the sequence of activities and suggests a schedule which the Center has found to be effective



Information about implementing IGE is available from state coordinators and contact persons, whose names are included on an insert to this brochure, or from:

Director of Implementation
Wisconsin Research and Development Center for Cognitive Learning
1025 West Johnson Street
Madison, WI 53706

Implementation and inservice materials are now available for Individually Guided Education. Most materials are sold in sets only. Some items, however, may be purchased separately by any interested person. Nonrestricted materials are marked with an asterisk. Unless indicated otherwise, order all items from CCL Document Service, 1025 West Johnson Street, Madison, Wisconsin 53706.

IGE Implementation Materials

Audiovisual Package (Price: $75)

Set of 10 transparencies and manual on the Instructional Programing Model.

Set of 5 filmstrips, each accompanied by audiotape cassette.

- "Instructional Programing in IGE." Describes the instructional programing model.
- "IGE/MUS-E: Organization and Operation." Describes organization, communication, and decision-making in the multiunit school.
- "IGE/MUS-E: Roles and Responsibilities." Describes roles and identifies responsibilities of multiunit school staff members.
- "Grouping Patterns." Describes, through examples, various grouping patterns used to meet individual student needs.
- "Assessment in IGE." Demonstrates how to assess children's progress in subjects taught with IGE."

Print Materials Package (Price: $50)

Individually Guided Education and the Multiunit Elementary School: Guidelines for Implementation. 132-page paperback book by Herbert J. Klausmeier and others who have been instrumental in developing and implementing IGE. (5 copies)

IGE simulation. 70-page workshop simulation designed to teach assessment and grouping. (5 copies)

Prototypic agenda. 18-page agenda which serves as a prototype to help teaching and administrative staff during 3- to 5-day workshops prior to the opening of school. (5 copies)

Unit resource file. Compilation of sample materials used by IGE schools in implementation. (1 copy)

Current multiunit school directory. (1 copy)

Multiunit school brochures. (25 copies)

Overall IGE Materials

*"IGE for All Children." 16 mm color-sound film on rationale for, background of, and Center involvement with IGE. 22 minutes. (Price: $125; Rental: $3 per day plus $5 handling).

**Individually Guided Education and the Multiunit Elementary School: Guidelines for Implementation.* Description above. (Price: $2)

**The Development and Evaluation of the Multiunit Elementary School, 1966 to 1970.* By Herbert J. Klausmeier and others (Technical Report No. 158). Brief description of purposes and structure of the multiunit school including some evaluation. (Price: $1)

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*Non-NIE Funding

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Mr. Max F. Jackman, Director
Elementary Education Curriculum
Granite School District
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Salt Lake City, UT 84115
(801) 268-8217

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Franklin Sherman Elementary
6630 Brawner Street
McLean, VA 22101
(703) 356-3874/6464

Senator WILLIAMS. I note that Dr. Selznick has been asked, and I will ask you now if you have a compelling commitment to leave?

If not, I wonder if we could have Governor Hall come forward. I know he does have a time problem.

Why not just stay seated at the table and Governor Hall may take the center chair.

We are especially pleased to have with us this morning Governor David Hall from the State of Oklahoma.

Governor Hall received his bachelor's degree from the University of Oklahoma and his law degree from the University of Tulsa. His career has included service as a professor of law, city attorney, and district attorney.

Since his election as Governor of his State in 1970, he has distinguished himself not only in service to his State, but nationally as well.

In 1972, he served as chairman of the Urban and Rural Development Committee of the National Governors Conference. In 1972 and 1973 he served on the Executive Committee of the Governors Conference.

Presently he is serving as chairman of the Education Commission of the States.

I understand that you are here representing the National Governors Conference and the Education Commission of the States as well as your own State. That is going to be a very challenging job—but from all that I know of you, Governor, I am looking forward to your testimony, and I want to thank you for arranging your busy schedule to provide us your advice and counsel today.

We are honored indeed to have you.

STATEMENT OF HON. DAVID HALL, GOVERNOR OF THE STATE OF OKLAHOMA

Mr. HALL. Senator Williams, Senator Stafford, members of the committee, I appreciate very much the opportunity to appear before this subcommittee and discuss with you the very critical need for providing adequate and effective educational services to handicapped children.

I am appearing today on behalf of the National Governors Conference and also the Education Commission of the States, of which I am currently serving as chairman.

Both of these organizations, and particularly ECS, have given special attention to the issues you are addressing in S. 6. Attached to my testimony are policy statements adopted by the National Governors Conference and ECS. These serve as the basis for my testimony although I will supplement them on specific issues.

This subcommittee, and particularly its chairman, should be commended for the leadership you are providing in bringing this very vital issue to national attention. You have already substantially advanced the debate on this matter and I can assure you that you are not alone.

Governors, legislators, and education agencies throughout the country are struggling with the complex issues of providing educational services to handicapped children.

In this we are trying to make up for lost time, for society's record on these issues is not a good one. To remedy the longstanding inequities and neglect of handicapped children by our educational system requires the insight, dedication and good thinking of politicians, educators and parents at all levels.

As indicated in the attached policy statements, both the Governors Conference and ECS strongly endorse the enactment of Federal legislation to finance the costs of the unique services required to make equal educational opportunity a reality for handicapped children.

This is indeed an issue of national concern and should be recognized by the Congress as such. The donation of additional public funds to this end is a wise and prudent investment which will be reflected in lower welfare rolls and other forms of public dependence.

More important, however, is that such expenditures will be returned in the self-sufficiency and personal satisfaction which accompany the development of a handicapped person's abilities to the maximum. The provision of equal educational opportunity for handicapped children is first and foremost a wise public policy because it is human and it is right.

I want to give you a little hometown situation from Oklahoma. The welfare rolls in our State have been reduced by 15 percent. Now, that is actual count of people and not an average.

This is over the last 4 years, and we led the Nation in that 1973 period.

Much of this decrease has resulted from our concentration on vocational education and, more pertinent to your concerns, on an intensified vocational rehabilitation program with an emphasis on younger people.

Accordingly, from personal experience, I feel quite deeply that the enactment of S. 6 or similar legislation would be of great benefit to the country, as well as to the individuals who will receive services through it and their families.

While I do not have a specific analysis of every provision of S. 6 to offer to you today, I wish to endorse a number of concepts which run through the bill and to raise for you a few problems.

Throughout section 6, which prescribes standards for eligibility and State participation in the program, is the recognition that, to the maximum extent possible, handicapped children will benefit from education in a regular school environment which is conducive to the development of self-esteem and to the abilities needed to make a useful and sufficient life.

I might say here that we have a saying in Oklahoma about handicapped people; we call them people who are handicapped, not handicapped people, and that approach is what we need in bringing them into the regular curriculum of schools.

So-called mainstreaming is a desirable policy as long as the individual learning needs of the children are met. It must also be balanced with the recognition of a handicapped child's particular problems. It is clear, however, that variations in the learning needs of handicapped children call for a variety of learning environments and a continuum of services extending from regular classroom instruction through special classes to special schools or programs.

The provision in S. 6 for an individualized written program for each child is a useful approach. This concept which is now being used in the rehabilitation program should provide the discipline needed to insure that each child is treated as an individual.

A major concern of the handicapped children's education project of ECS is that the categorization of children by handicap is often harmful to the child and should be avoided. An individualized program can serve as the means for avoiding such labeling.

There is a reference in section 6(c) of the bill to inclusion in the State plan of a needs assessment of the subgroups of handicapped children. If administered properly, this can serve as a useful guide for planning, but I hope that the legislative history of the bill, if not the language itself, will make it clear that children are not to be "typed."

This raises definitional problems as to who is "handicapped," particularly when funds are allocated on the basis of numbers of handicapped children and the relative costs of providing services to them.

I like the provision very much in the bill that requires a yearly review of the individual case, and I underline that because I think that takes away the dehumanizing factor that many of these bills have, because every one of these young people is an individual with his own hopes and dreams and desires.

As the subcommittee is undoubtedly aware, there are great variations and gaps in the data which would be required to establish either the excess cost of special education or, indeed, to identify with great certainty who is "handicapped."

We all know that we have a problem and an obligation, but we do not, in all candor, know how big a problem or what the price of solution.

While the concept of Federal coverage of excess cost, which is central to S. 6, has considerable appeal, there are some very substantial problems in identifying such costs with the precision required to administer a program.

It is pertinent to a consideration of this issue that the Mathias amendment to H.R. 69 would establish a program of aid to the States for special education with funds apportioned on a straight population basis.

I hope this amendment is included in the final version of H.R. 69 and the program becomes operational. I feel it would provide the basis to get moving and for the states to address, with some degree of uniformity, the issues to which S. 6 is addressed and to develop the information upon which its funding process is dependent.

While I would again stress that the education of handicapped children is a national priority which deserves attention by the Congress, I should also note that the States are not dormant on this issue and that a variety of programs have been enacted by State legislatures. This is good, but it presents a couple of questions which should be addressed by this subcommittee.

A number of States have adopted new systems of school finance which are designed to equalize financial resources per child among local educational agencies. Some of these programs—Florida and Utah are good examples—make special allowances for the excess cost of special education by attaching a higher weight to handicapped children in the allocation of funds.

Thus, the means for special education becomes an integral part of the school finance mechanism. Other States have categorical programs for special education. We have not made an exhaustive study of this issue, but I would suggest to you that whatever bill you report should provide for the effective meshing of State and local funds under such circumstances.

We would be pleased to make available to you, the staff of the Governors Conference and ECS to provide assistance in the exploration of the best means of achieving this end.

In this same vein, I understand representatives of the administration have testified on this bill, saying that while they agree that all handicapped children should be provided educational services and benefits adequate to their needs, they do not think the Federal Government should do so.

The administration has been overly willing to point out the healthy fiscal condition of the States and suggest that perhaps the States are in a far better position than the Federal Government to pick up these additional costs.

Mr. Chairman, it is quite true that there has been an improvement in State fiscal systems over the past few years and that at the end of this fiscal year, a number of States will have either balanced budgets or moderate surpluses.

This, however, could not have been achieved without the strong political leadership in our Statehouses. You should be aware that in 1960, only 19 States had both general sales and personal income taxes. By 1974, 36 States were using both levies. Forty States now have broad-based income taxes and 45 have sales taxes.

So progress toward strengthening State revenue systems is quite striking; however, this is not the whole story. These accomplishments took place at a time of expanding service delivery and accute inflation. Moreover, the political risks of expanded State revenues are exceedingly high.

Because Federal revenue is generated largely through income taxes, receipts automatically increase as the Nation's economy grows. Because States must rely on a range of revenue sources, not all of which are keyed to economic growth, Governors and legislators are often forced to take the politically risky course of imposing new taxes and raising the rates of existing taxes to meet rising expenditure needs, including combating the effects of inflation.

I might say that I personally went through the trauma of one of these in 1971 by raising the income tax on the upper income people and lowering the income tax on the lower income people, and producing a 2 percent tax increase on the oil and gas companies in 1971.

I can tell you how difficult it is. The Speaker of the House had to hold the House open for 2½ hours that particular day before we were able to get that passed.

Over the past 14 years, 525 rate hikes and 40 new tax enactments occurred at the State level—a record which demonstrates the finacial commitment of the States, and the political courage of State leaders.

Furthermore, as I indicated earlier, States have begun to assume a greater share of the costs for funding public elementary and secondary education. More than 10 States have adopted new school finance formulas which significantly reduce the traditional dependence between educational offering and local wealth. And these enactments had to be financed by new tax measures, chiefly from the State level.

While the record shows that the States have made outstanding improvements in their fiscal situations and in the delivery of their services, there is a limit to such expanion. To adequately meet the need for education of handicapped children throughout the country now, Federal action is needed.

Mr. Chairman, I have not come before you with a long statistical profile of the problem at hand or a lengthy recitation on the need for its solution. I hold these truths to be self-evident. I can asure you that there is at the State and local level the sincere desire to remedy society's past neglect of handicapped children. It is a top priority matter for school boards and legislators.

I am pleased that it appears to be a top priority with you. I can assure you that the money which would be provided by S. 6 or similar legislation will be put to good use.

Senator Williams. Thank you very much, Governor Hall. Let me advise you that your statement will be put to good use. It is an excellent statement. I cannot tell you how grateful those of us who are associated in ever-growing numbers with the whole national approach to this particular problem of special needs in education are for your statement.

The offer that you made is one we will take you up on.

Mr. Hall. I have brought some staff members with me to the hearing. They are in the room and are prepared to respond whenever your committee or staff seeks their help.

Senator Williams. Probably we will lean upon your statement first about 2:30 this afternoon in conference with the House.

Mr. Hall. Excellent.

Senator Williams. I wonder if we could just expand, if you have a moment, on the fiscal situation in the States. You know the happy fiscal report of the States as given to us by the administration indicates that all is so well with the education of handicapped children that it certainly is unnecessary as a national program. They say that States are in the enviable position of budget surpluses, and they gave us the figures for the last 3 years to indicate this.

We were told there was $11 billion of surplus at the State level in fiscal 1973; $5.5 billion in fiscal 1974; estimated $19.8 billion in fiscal 1975.

Do you and your colleagues in this conference work with the same figures?

Mr. Hall. Yes, sir, but those figures are very deceiving.

You have to realize most of the States have budget balancing amendments that require no deficit financing, so when you are talking about a surplus it is not a surplus to mean that the needs have all been met and there is that much money left over.

What you are talking about is under our State law we cannot do any deficit financing to catch up.

Therefore those surpluses are merely a certain amount that can be used to try to catch up next year.

My guess is in our own State, if we were to try to catch up with what needs to be done in all these areas, our surplus would be about 10 percent of what we need, just to give you a hometown example.

Senator Williams. Would you say that again? I want to make sure I understand.

Mr. HALL. We had a surplus last year of approximately $33 million. That surplus was about 10 percent of what we needed for all of our capital improvements; the operational gains is about 10 percent of it.

Our roads, for example, are 43-percent deficient.

Now, to catch up that 43 percent would have taken ten times the amount of money we had in surplus.

So when the administration tells you that we have a surplus, what they are telling you is that under the budget balancing amendments, there was that much money that came in we could not spend, but it did not meet the needs.

It is the most fallacious argument they could make and they know better than that.

Senator WILLIAMS. As this testimony came to us, it was incredible to me as I heard it, because I know in my State we have a constitutional mandate of balance, and we did come up with a surplus.

You mentioned roads. I have just spent the weekend traveling over New Jersey highways, and I know what you mean. And I tell you in this one interstate program—this magnificent program of highways—but it adds other operational factors. We are not mowing the lawns along the roadways of the interstates because there is no money for it.

Mr. HALL. To give you another instance, just to do the paper pickup, our costs were $120,000 on one highway alone. That is an additional cost we did not have before the interstate came through. That is just a little one, that is just the paper pickup.

Senator WILLIAMS. Next we will be asking the Sierra Club to send volunteers to beautify the highways. [Laughter.]

You mentioned revenue sharing. We assume that in passing revenue sharing these would be dollars in addition to the other Federal dollars that have been going to the States.

What has been your experience under revenue sharing?

Mr. HALL. It has been a lifesaver for us in the capital improvement area. We have tried to put revenue sharing into recurring programs because of its 5-year length, and we cannot anticipate whether it will be voted again.

But to meet the capital improvement needs, one time expenses, it has been a godsend, particularly in higher education.

I do not think we could have carried on had it not been for revenue sharing. I personally am very strong for it. I think we should have a 75/25 percent ratio not restricted, similar to the total revenue sharing. That is my personal feeling.

Senator WILLIAMS. Dr. Rossmiller said targeted revenue sharing.

Mr. HALL. This is a good word.

Dr. ROSSMILLER. You mean I came up with something good?

Senator WILLIAMS. You know you receive it a lot better if it is targeted rather than categorical.

Let me thank you, Governor Hall, for your excellent testimony. We will also include in the record at this point materials on special education in Oklahoma.

[The information referred to follows:]

EDUCATION COMMISSION OF THE STATES

RESOLUTION

WHEREAS, The Education Commission of the States is committed to the goal of complete access to educational opportunity for every exceptional child, and because the accomplishment of this goal involves many complex issues of financing educational techniques and humanitarian considerations, the Commission established a Handicapped Children's Education Project Task Force to give special attention to these issues of critical concern, and such task force has made certain recommendations to the Commission; therefore, be it

RESOLVED, By the Eighth Annual Meeting of the Education Commission of the States, held June 20 - 22, 1974, in Miami, Florida, that the Education Commission recognizes that the provision of adequate educational services to handicapped children should be an integral part of the educational systems of the states, and that state and local programs of special education should provide for the initiation of services at the earliest possible points in the life of a handicapped child and continue to the point of maximum competence and development of such a child, and that such services should be provided without categorizing or labelling, which may be harmful to the child's self-esteem and welfare; and

RESOLVED, That the Commission supports state and Federal legislation to achieve these goals through the recognition of and provision for the cost of providing adequate special education and related services; and

RESOLVED, That such programs should provide for financing of special education as an integral part of educational finance and that through such legislation, means should be developed for adequate measurement of costs associated with special education to insure that funds are apportioned in relation to need; and

RESOLVED, That institutions of higher learning be encouraged to expand instructional programs and research in the preparation of personnel to provide services to handicapped children; and

RESOLVED, That handicapped children should be served in regular classrooms whenever educationally appropriate with supplemental and auxiliary services as are necessary, with maximum attention being addressed to the development of self-esteem and the capability to function in the economic and social life of society.

National Governors' Conference

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NATIONAL GOVERNORS' CONFERENCE POLICY POSITION

ON THE EDUCATION OF HANDICAPPED CHILDREN

The National Governors' Conference believes it should be the responsibility of each State, as an integral part of a free public education, to provide for special education services sufficient to identify and meet the needs of all handicapped children.

Recognizing the tremendous additional financial burden which would be incurred in providing for the education of all handicapped children, the National Governors' Conference calls upon the federal government to increase its assistance to the States in fulfilling this commitment. Federal assistance, however, should allow maximum flexibility and discretion to the States in providing the essential services they deem appropriate, since these services in many States are administered by more than one agency.

STATE PROFILE

OKLAHOMA

February 15, 1974

The State-Federal Information Clearinghouse *
for Exceptional Children
The Council for Exceptional Children
1920 Association Drive
Reston, Virginia 22091

*The work presented herein was performed pursuant to Grant No. OEC 0-182013-3541 (032) from the Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare.

RIGHT TO AN EDUCATION

Constitution: "Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the state and free from sectarian control. . ." **(Art. 1, Sec. 5, Okla. Const) (L)**

Compulsory Attendance Law: A child, subject to compulsory attendance, is excused from these provisions if "he is prevented by mental or physical disabilities, as determined by the board of education, by a certificate of the school physical or public health physician, or if no such physician is available, a duly licensed and practicing physician. **(Sec. 70-10 OS) (L)**

All children who are so deaf or so hard of hearing that they cannot participate in the regular public school program shall receive an appropriate education at state expense. All school districts are responsible for identifying such children between the ages of 2 and 21, at the earliest possible age, under procedures prescribed by the state board. Every parent or other person having custody of such child must enroll the child at a school providing appropriate education. **(Enrolled House Bill, 1777, 1970) (L)**

Responsibilities: After September 1, 1970, all school districts must provide special education for all handicapped and exceptional children defined by this act. **(Sec. 13-1 OS) (L)**

POPULATION

Definitions: "Exceptional children shall mean gifted children, educable mentally handicapped children, trainable mentally retarded children, speech defective children, emotionally disturbed children or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple handicapped children, and other handicapped children of four years of age as of the first day of November of the school year, and blind or partially blind children and deaf and hard of hearing children two years of age or older who are bona fide residents of this state, whose condition is such that it is impracticable or impossible for them to benefit from or participate in any classroom program of the public schools in the districts in which they reside and whose education requires a modification of the classroom program." **(Sec. 13-1 OS) (L)**

A deaf child is a child whose hearing is "impaired to such a degree that it has prevented his acquiring speech and language in the normal manner."

A hard of hearing child is a child who "has a hearing loss which has not prevented his acquiring speech and language in the usual manner." **(R)**

"Children with learning disabilities are defined as those children with normal or potentially normal intelligence, who, because of some neuro-psychological factors, are noted to have learning disabilities of a perceptual, conceptual, or integrative nature. Children with major sensory and motor deficits such as the blind, the deaf, the cerebral palsied, the mentally retarded, or children whose learning deficit clearly is of emotional origin without concomitant neuro-psychological factors, are excluded from this category." **(R)**

"Most speech disorders may be classified under one or more of the following terms: articulation, fluency, voice, delayed speech, and languages. Articulatory disorders present one of the most prevalent problems of the speech correction program, inasmuch as about three-fourths of the problems in a school population are in this classification." **(R)**

"Fluency disorders covers deviations in the rate or rhythm of the speaking voice. Stuttering, the most frequent problem in this category, usually combines the use of excessive effort in speaking with repetitions or hesitant speech utterance. Rapid or uneven rate in speaking and extremely slow and labored speech is frequently seen in individuals with neuromuscular disorders such as cerebral palsy." **(R)**

"Voice disorders include deviations in pitch, quality, or intensity. Voice quality may be considered defective if it is excessively nasal, denasal, harsh or breathy." **(R)**

"Disorders of language are receiving greater attention in today's public school speech therapy programs since the child's ability to use and understand language has a profound effect on his performance in other academic subjects." **(R)**

Age of Eligibility: Partially blind, blind, deaf, and hard of hearing children may begin receiving services at age two. All others begin at age four. Special education services end at age 21 except in special cases where a physical condition prevents a child from completing his program by age 21. In that case, services may be extended until the child reaches age 25. **(Sec. 13-105 OS) (L)**

IDENTIFICATION, ASSESSMENT, AND PLACEMENT

Assessment and Placement: The board of education in which a child resides is responsible for determining the child's eligibility for special education under rules and regulations approved by the state board of education. Exceptional children must be reevaluated at least once every three years. Children eligible for special education services will be entitled to them for a minimum period of 12 years. If a child is transferred from one district to another, the state board of education may promulgate rules and regulations for the reimbursement to the local board for payment of services for psychologists and physicians necessary to determine the child's eligibility. If a child is accepted for special education and instruction, reimbursement will be made to the local board for expenditures made for necessary reevaluation. **(Sec. 13-2 OS) (L)**

Children referred by classroom teachers, parents, or community organizations or agencies should be given batteries of achievement, intelligence, and psychological tests. Parents and school systems are jointly responsible for different phases of evaluation. In some cases the county agencies may provide services. If parents are unable to provide medical attention for their children, the county health departments may provide the evaluation. **(R)**

Information generally required for placement of children is as follows: Medical examination, psychological examination, specialized examination and a written justification of any unusual findings.

Except for emotionally disturbed children, parental consent is not required for the child to receive special education services. However, in all areas of disability the school is urged to provide counseling and information to the parents, and to attempt to gain their cooperation at all stages of the identification, evaluation, and placement process. **(R)**

Identification of all deaf and hard of hearing children between two and 21 years of age is required by law.

A pure tone audiometric test is generally used. It should provide an indication of hearing loss in decibels. **(R)**

The placement of deaf and hard of hearing pupils depends upon the degree of severity of their hearing loss, and for deaf children, upon whether a local special class is available. (Otherwise, they are served at the state school for the deaf.) **(R)**

The eligibility of a child for admission to a special class for the deaf or the hard-of-hearing shall be determined by a qualified hearing specialist, who is approved by the state department of education. In addition, the child should be educable in order to be eligible for placement in a special class. Any child having an I.Q. lower than 70 should be granted placement on a trial basis only. His eligibility for permanent enrollment is dependent upon his ability to adjust to the classroom and profit from the instructions provided. **(R)**

It shall be the right of every child who is deaf or so hard of hearing that he cannot participate in the regular public school program to receive an appropriate education at the expense of the state.

Children are given individual evaluations by a qualified psychological examiner or medical doctor. The individual evaluation must include psychological and neurological tests. **(R)**

To be eligible for placement in a special education program, a learning disabled child must meet the following criteria: (1) normal or potentially normal intelligence (IQ 90 or above). In view of the current concept of the structure of the intellect, care should be exercised in testing so as to sample as many of the factors as possible. If a child cannot score in the normal range of any of the tests used, but the examiner feels the potential is present, he may make a special recommendation stating his reasons for suggesting such placement. Final determination of eligibility of special cases shall be at the discretion of the representative of the state board of education; (2) there must be some evidence of specific learning disabilities whose etiology can be inferred from psychological or neurological tests. This evidence should be able to support the inference of the presence of some neurological dysfunction; and (3) children whose major problem is emotional in nature are not eligible for placement in a class for children with learning disabilities. **(R)**

Pupils whose measured intelligence puts them into the slow learning category, and who are also learning disabled, may not be put into the same classes as learning disabled pupils of normal intelligence. However, separate classes for these children may be established under the general area of learning disabilities. **(R)**

If the speech therapist is not available to evaluate the child, the regular classroom teacher should encourage parents to have the child examined by a physician to find out if the defect is caused by some abnormality, such as a cleft palate, tongue tie, or hearing impairment. Audiometric tests are frequently necessary, for a child who does not hear adequately may not learn to speak correctly. If parents cannot afford medical examination, arrangements can be made through out-patient clinics in many state hospitals. Hearing and speech evaluation may be obtained through nearby college and university speech and hearing clinics for a small fee. **(R)**

In order to know how much improvement may be expected, it may be necessary to administer some sort of an intelligence test. Any of the well standardized group tests may be used if individual tests are not available. If the child's speech is not understandable, a performance test may be administered by a qualified examiner. Help in psychological testing may be secured through various universities and colleges in the state. **(R)**

PLANNING

Statutes contain no specific provisions for the handicapped in this area.

FINANCE

Attendance of children in special education classes will be included in the average daily attendance computation in the foundation appropriations programs for state aid. **(Sec. 13.1 OS) (L)**

No funds received by a district for special education are considered part of the chargeable income of the district for state aid purposes. Also, none of the funds for special education may be received for:

1. any teaching unit or class with less than eight educable mentally handicapped children;

2. Any teaching unit for speech defective children with a number less than that specified by the state board of education;
3. Any teaching unit or class consisting of children who are both deaf and blind except for the program mentioned in "Services" which is a direct state program, or
4. any teaching unit or class organized with less than five of any other type of exceptional child. **(Sec. 13-8 OS) (L)**

Special education is now financed on a flat grant basis as follows: For each class that did not receive the $4500 grant in 1970-71, the district shall receive $4000 in 1971-72. All federal funds used in the special education must be above the flat grants from state appropriations. Each class funded for $4500 in 1970-71 shall receive $4500 in 1971-72. Each new class started in 1971-72 and 1972-73 shall receive $5000. $600,000 is appropriated to establish new special education classes, and in no way may this be used by districts for existing classes. The legislature has precise intention of establishing new programs in districts not presently offering programs and additional types of special education in districts not presently offering such programs. They particularly wish, but not exclusively, to encourage new classes for children with learning disabilities in districts not presently offering them.

"If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-1 of Title 70 of the Oklahoma Statutes, the following is hereby authorized. Such child shall be entitled upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this section, provided the average daily attendance of such child shall be credited to the home district of such transferee. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect, or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the finance division of the state department of education. Upon receipt of such certification, the finance division shall deduct the amount of the special education fee from any state foundation program or incentive aid otherwise due the sending district and transmit such amount to the receiving district." **(Sec. 9 and Sec. 10, House Bill 1163, 1971 Leg. Session) (L)**

ADMINISTRATIVE RESPONSIBILITY

The state board of education is responsible for establishing necessary rules and regulations, setting rates for reimbursement for physical and occupational therapists, teachers of homebound children, home to school telephone instruction, board and room for transferred handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and also for teac[illegible]ide these services to handicapped children in homebound, cooperative, or county programs. **(Sec. 13-8 OS) (L)**

The state board of education is also authorized to prescribe the qualifications for all persons teaching exceptional children, to define, classify, and determine the standards of eligibility for exceptional children for program participation, and to make any other necessary rules and regulations for the teaching of exceptional children. **(Sec. 13-5 OS) (L)**

The department of institutions, social, and rehabilitation services is responsible for the supervision of the state schools for the deaf, blind and mentally retarded. **(Sec. 36-21 OS) (L)**

ADMINISTRATIVE STRUCTURE AND ORGANIZATION

School districts may fulfill the mandatory requirement of the law by joining in a cooperative program with another district or districts to provide special education, or by transferring certified handicapped or exceptional children into other school districts providing appropriate special education with the districts of residence paying tuition. **(L)**

Two or more school districts may establish cooperative programs for exceptional children if such an arrangement is approved by the state board. **(L)**

County superintendents of schools may establish and maintain special education programs, with the approval of the state board. **(L)**

The state board of education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case may the reimbursement from other state funds for this purpose exceed four hundred fifty dollars ($450.00) per child per year.

Reimbursement of inter-district transportation for exceptional children will be made when a school district providing special education services pays the transportation costs of the transferred pupil being transported from a point in another district to its own special education class or school. **(L)**

The county superintendent of schools may expend county funds for the county program. Any school district or districts located wholly or in part of the county may participate in the program and have the authority to contribute school district funds either directly or by reimbursement to the county participating in such a program. **(L)**

The state board of education may make provision for boarding handicapped children specified in section I of the Act who must be transferred from their home school district to school districts providing special educational facilities. In no case shall reimbursement from the State Treasury for this purpose exceed $450.00 per child per year. **(R)**

SERVICES

The state board has the authority to select school districts within the state to establish special programs for the partially sighted for the first through ninth grades. The selection of the districts, establishment of the programs, and determination of their eligibility will be in accordance with special education regulations and laws. State funds specifically appropriated for this program will be apportioned by the state board among the school districts providing programs. The apportionment and distribution will be on a per student basis and in accordance with state board rules and regulations. **(Enrolled House Bill 1070, 1972) (L)**

Class Size:	**NUMBER OF PUPILS**	
	Minimum	**Maximum**
LEARNING DISABLED	5	10
AURALLY HANDICAPPED	5	16
DEAF		
Special Class	5	16
SPEECH HANDICAPPED		
Speech Therapist (caseload)	75	100
EDUCABLE MENTALLY HANDICAPPED	8	20 22[1] 23[2]
TRAINABLE MENTALLY HANDICAPPED	5	10 12[1] 13[2]
PHYSICALLY HANDICAPPED	5	16
EMOTIONALLY DISTURBED		
Special Class	5	10
Visiting Counselor (caseload)	250	–
MULTIPLY HANDICAPPED		
Special Class	5	–
VISUALLY HANDICAPPED	5	16
BLIND		
Special Class	5	16

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[1] If equivalent of one half-time aide is used.

[2] If one full-time aide is used.

For special transportation within the school district, the child must not be able to use the regular school transportation system to reach the building where special services are provided, and services must be unavailable in the school which the child would normally attend. The distance from home to the school to be attended must be greater than 1½ miles. The 1½ mile limit does not apply for physically handicapped children being transported to regular classes. **(R)**

Transportation may be furnished to special programs within the district or in another district, and to regular programs within the district for physically handicapped children who would otherwise be unable to attend the regular district school. **(R)**

Children may be transported in public school buses or by a private carrier. **(R)**

Reimbursement of inter-district transportation for exceptional children will be made when a school district providing special education services pays the transportation costs of the transferred pupil being transported from a point in another district to its own special education school or class.

When a school district providing special education services pays the transportation cost of a transferred pupil being transported from a point in another district to its own special education school or class, that school district may be reimbursed for the actual costs when a public carrier is employed. If a private carrier is used, the district may be reimbursed at a rate not to exceed six cents per mile to and from the school and the total annual reimbursement shall not exceed $450.00 per child. When more than one child is transported in the same private vehicle, an additional charge not to exceed three cents per mile per child may be made. Individual cases will be considered on their merit.

Reimbursement of intra-district transportation for exceptional children will be made according to the following regulations: services are not available in the school which the child would normally attend; the child cannot use the regular school transportation system to reach the building where special services are provided; distance must exceed 1½ miles from home to school to be attended.

The school district may be reimbursed for the actual cost when a public carrier is employed. If a private carrier is used, the district may be reimbursed at a rate not to exceed six cents per mile to and from school, and the total reimbursement shall not exceed $50.00 per month or $450.00 per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than three cents per mile per additional pupil may be made. **(R)**

PRIVATE

Deaf, hard of hearing, and deaf-blind children are eligible for private placement. Local school board determines a child's eligibility. **(R)**

Districts are not reimbursed for educating deaf or hard of hearing children by contract in private schools. The state board may pay up to $5,000 annually for each deaf-blind child. **(R)**

Districts may initiate contracts only with schools in their district. State boards may contract with either in-state or out-of-state schools for services to deaf-blind children. **(R)**

PERSONNEL

TYPE OF CERTIFICATE REQUIRED FOR SPECIAL EDUCATION

Eligibility for Elementary (Certificate No. 7)

valid grades K-8: bachelor's degree, general education (50), professional education (21), elementary education (16), specialization (18), student teaching (9)

Eligibility for Secondary with Endorsements (Certificate No. 8)

bachelor's degree, general education (50), professional education (12), student teaching (9) specialization (varies)

Eligibility for Special Education (Certificate No. 12)

bachelor's degree, specialization (varies), academic area of concentration (18)

FACILITIES

Statutes contain no specific provisions for the handicapped in this area.

1960

SPECIAL EDUCATION
IN
OKLAHOMA

O.A.C.L.D. STATE OFFICE
3701 N.W. 62nd
Okla. City, Okla. 73112

1907

Prepared by
Oklahoma Special Education Section
and the
Oklahoma Special Education Council
and the
Oklahoma Curriculum Section

OKLAHOMA STATE
DEPARTMENT OF EDUCATION
Leslie Fisher,
State Superintendent

1974

199

STATE OF OKLAHOMA
OFFICE OF THE GOVERNOR
OKLAHOMA CITY

DAVID HALL
GOVERNOR

The Oklahoma Special Education Council was formed on May 24, 1973. The executive Committee is comprised of representatives from the following organizations:

Council for Exceptional Children
Association for Children with Learning Disabilities
Oklahoma Association for Retarded Children
Early Childhood Education
Oklahoma Society for Crippled Children
Oklahoma Speech and Hearing Association
State Department of Education-Special Education Section
United Cerebral Palsy
Parents of the Deaf
Department of Mental Health
Visual Services

The Council is to be commended for developing this informative brochure as one of the first projects in their cooperative plan to achieve educational opportunities for all exceptional children.

This administration is pleased to endorse the work of the Council. We urge other organizations to join with them in this united effort.

David Hall
David Hall

1962

SPECIAL EDUCATION
in
OKLAHOMA

A HANDBOOK
FOR PEOPLE CONCERNED
ABOUT ALL CHILDREN

Prepared by
OKLAHOMA SPECIAL
EDUCATION SECTION

OKLAHOMA SPECIAL
EDUCATION COUNCIL

CURRICULUM SECTION
and the
OKLAHOMA CURRICULUM
IMPROVEMENT COMMISSION

OKLAHOMA STATE DEPARTMENT
OF EDUCATION
Leslie Fisher,
Superintendent

1974

201 [illegible]

1963

FOREWORD

Meeting the needs of every student is the ultimate aim of educators in Oklahoma. The education forces recognize their responsibility to provide equal educational opportunities to all students. New Laws, rules and regulations are being enacted as a result of the commitment to equality education.

This brochure sets forth the latest guidelines for the establishment and/or improvement of services for students who need special attention. The first responsibility of the school to these handicapped children is that of educating them in a way which will permit them to live a successful, responsible, and happy life.

It is the sincere hope of the State Department of Education that the material in this booklet on Special Education will be particularly valuable to the teachers, administrators, and all others interested in organizing and expanding educational programs for these children.

Also, I wish to thank all of those who have made a contribution in developing the material for this brochure.

Leslie Fisher
State Superintendent
of Public Instruction

1964

ACKNOWLEDGMENTS

Many people have assisted in the preparation of this publication. We wish to express appreciation to the following organizations, agencies and individuals who have made this handbook possible.

MEMBERS OF OKLAHOMA SPECIAL EDUCATION COUNCIL

Mrs. Jeanne Asher
Mr. Ray Ashworth
Mrs. Erlene D. Belling
Mr. Wallace P. Bonifield
Mrs. Lois C. Clark
Mrs. Alma Daly
Mr. Truman Hanson
Mr. Carl E. North
Mr. Harper Orth
Dr. Jimmie Prickett
Mrs. Marion Thornhill
Mr. Travis Harris
Dr. Maurice Walraven

OKLAHOMA STATE DEPARTMENT OF EDUCATION SPECIAL EDUCATION SECTION CURRICULUM SECTION and the OKLAHOMA CURRICULUM IMPROVEMENT COMMISSION

Special thanks is hereby given to the Oklahoma Legislature for the recognition and support of Special Education in Oklahoma.

(This publication is made possible by funds from the Oklahoma Curriculum Improvement Commission under the auspices of the State Department of Education.)

LIST OF AGENCIES TO CONTACT FOR FURTHER INFORMATION

OKLAHOMA ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES
3701 N.W. 62nd Oklahoma City, Okla. 73112

OKLAHOMA ASSOCIATION FOR MENTAL HEALTH
3113 Classen Blvd., Oklahoma City, Okla. 73118

OKLAHOMA ASSOCIATION FOR RETARDED CHILDREN
923 W. Britton Road, Oklahoma City, Okla. 73114

OKLAHOMA COMMISSION ON THE DEAF AND HEARING IMPAIRED
Box 25352, Sequoyah Office Bldg., Oklahoma City. Okla. 73125

OKLAHOMA COUNCIL FOR THE HEARING IMPAIRED
Box 58586, Oklahoma City, Okla. 73105

OKLAHOMA CURRICULUM IMPROVEMENT COMMISSION
Okla. State Dept. of Education
State Capitol Bldg., Okla. City, Okla. 73105

OKLAHOMA SOCIETY FOR CRIPPLED CHILDREN
(The Easter Seal Agency)
6321 N. Penn., Okla. City, Okla. 73116

OKLAHOMA STATE DEPT. OF EDUCATION SPECIAL EDUCATION SECTION
State Capitol Complex Okla. City, Okla. 73105

OKLAHOMA STATE DEPT. OF INSTITUTIONS SOCIAL AND REHABILITATIVE SERVICES
Sequoyah Bldg., Okla. City, Okla. 73105

UNITED CEREBRAL PALSY OF OKLAHOMA, INC.
3734 N.W. 23, Okla. City, Okla. 73107

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SPEECH CORRECTION

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
Approximately 3.5 of the school-age population.	Teacher referral	Screening process and teacher recommendation	Specific indication of a dysfunction in communication ability.	75-100	4-21	To correct or improve communications skills.

DEFINITION OF SPEECH DISORDERS:

"It may be suspected that a child has a speech disorder when his speech behavior is obviously different from that of most children of his age level. When a child has difficulty in expressing his thought to others or when the listener has difficulty understanding what a child is saying or if attention is called to "how" an individual is speaking rather than to "what" he is saying the possibility of a speech disorder should be investigated."

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	138½	15,298
Junior High	3½	46
Senior High	3	101

1967

Most speech disorders may be classified under one or more of the following terms: articulation, fluency, voice, delayed speech and languages. Articulatory disorders present one of the most prevalent problems of the speech correction program. Inasmuch, as about three-fourths of the problems in a school population are in this classification.

Fluency disorders covers deviations in the rate of rhythm of the speaking voice. Stuttering, the most frequent problem in this category, usually combines the use of excessive effort in speaking with repetitions or hesitant speech utterance. Rapid or uneven rate in speaking and extremely slow and labored speech is frequently seen in individuals with neuromuscular disorders such as cerebral palsy.

Voice disorders include deviations in pitch, quality or intensity. Voice quality may be considered defective if it is excessively nasal, denasal, harsh or breathy.

Disorders of language are receiving greater attention in today's public school speech therapy programs since the child's ability to use and understand language has a profound effect on his performance in other academic subjects.

LEARNING DISABILITIES (L.A.B.)

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
1% 5%**	Staff or psychological examiner	Psychological or neurological evaluation	Minimum neurological dysfunction -normal potential	5-25	4-21	Provide individualized curriculum and alternative learning strategies to ameliorate or compensate for dysfunction.

LEARNING DISABILITIES DEFINED:

Children with learning disabilities are defined as those children with normal or potentially normal intelligence who because of some neuro-psychological factor are noted to have learning disabilities of a perceptual, conceptual, or integrative nature. Children with major sensory and motor deficits such as the blind, the deaf, the cerebral palsied, the mentally retarded or children whose learning deficit clearly is of emotional origin without concomitant neuro-psychological factors, are excluded from this category as there are already established programs and services to meet their needs.

1969

LOCATING AND IDENTIFYING THE CHILD WITH A SPECIAL LEARNING DISABILITY

Characteristics most often noted are:

1. Hyperactivity.
2. Perceptual-motor impairments.
3. Emotional lability
4. Anxiety
5. General coordination deficits.
6. Disorders of attention (short attention span, distractibility, perseveration).
7. Impulsivity.
8. Disorders of memory and thinking.
9. Specific learning disabilities:
10. Disorders of speech and hearing.
11. Equivocal neurological signs and electroencephalographic irregularities.

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	216¼	7,009
Junior High	47¼	991
Senior High	20½	398

Learning disability labs constitute one method of delivery of services to children with specific learning problems. Learning labs allow each individual to maintain peer group relationships while at the same time, receiving specialized help in learning new attack methods. The length of time each individual spends with the lab. teacher should be determined by the individual's ability to succeed in the regular classroom.

**Bureau of Education for the Handicapped - 1969 Study*

***Projected Incidence Figure*
Association for Children with Learning Dis.

LEARNING DISABILITIES (SELF CONTAINED)

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
1%* 5%**	Staff or psychological examiner	Psychological or neurological evaluation	Minimum neurological dysfunction--normal potential	5-10	4-21	Provide individualized curriculum and alternative learning strategies to ameliorate or compensate for dysfunction.

LEARNING DISABILITIES DEFINED:

Children with learning disabilities are defined as those children with normal or potentially normal intelligence who because of some neuro-psychological factor are noted to have learning disabilities of a perceptual, conceptual, or integrative nature. Children with major sensory and motor deficits such as the blind, the deaf, the cerebral palsied, the mentally retarded or children whose learning deficit clearly is of emotional origin without concomitant neuro-psychological factors, are excluded from this category as there are already established programs and services to meet their needs.

1971

LOCATING AND IDENTIFYING THE CHILD WTIH A SPECIAL LEARNING DISABILITY

Characteristics most often noted are:

1. Hyperactivity.
2. Perceptual-motor impairments.
3. Emotional lability.
4. Anxiety
5. General coordination deficits.
6. Disorders of attention (short attention span, distractibility, perseveration).
7. Impulsivity.
8. Disorders of memory and thinking.
9. Specific learning disabilities:
10. Disorders of speech and hearing.
11. Equivocal neurological signs and electroencephalographic irregularities.

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	102	1,020

Children placed in self-contained learning disabilities classes are generally those who have severe problems in all areas of learning. Inability to succeed in the regular classroom is the major criteria for the massive intervention strategy of full time placement with a learning disability specialist. It is vital that as soon as the individual develops new learning approaches, he be given the opportunity to return to the regular program.

**Bureau of Education for the Handicapped - 1969 Study*
***Incidence Figure*
Association for Children with Learning Dis.

Learning Disabilities (Self Contained)

1972

EDUCABLE MENTALLY HANDICAPPED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
2%* 3%**	Staff or Parents	Individual Intelligence Test or a qualified psychological examiner's Recommendation	IQ 50 to 75	8-20	4-21	Adjust curriculum to meet individual needs

EDUCABLE MENTALLY HANDICAPPED DEFINED:

The educable mentally handicapped are children who can be taught some academic work, but who are mentally retarded to the extent that their development is hindered in a regular classroom. The present trend is to allow these children to participate in all of the activities of the school separating them only where it is necessary. In an elementary school the educable mentally handicapped would be taught the basic skills and subjects requiring a mastery of these skills by a special teacher. These same pupils could very well take physical education, music, art, etc., with a larger group composed of special and regular pupils. It is taken for granted that the special classes will attend all regular school assemblies and other group activities of the building in which they are located. The curriculum for educable mentally handicapped children should provide realistic educational experiences at each child's mental level. Special attention should be given to the use of concrete situations in attaining the basic purposes of the education of all American children, namely, self-realization, human relationships, civic responsibility, and economic efficiency.

1973

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	407½	7,205
Junior High	144½	3,144
Senior High	104	2,327

**Bureau of Education for the Handicapped 1969 Data.*

***Association for Retarded Children*

SENIOR HIGH EDUCABLE MENTALLY HANDICAPPED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE
2%* 3%**	Teacher Referral	Individual Psychological Test	I.Q. 50-75	8-20

SPECIAL EDUCATION PROGRAM FOR SENIOR HIGH EDUCABLE MENTALLY HANDICAPPED YOUTH

1973-74 STATE PROGRAM:	Number of Classes	Number of Children
Senior High---	104	2,327

Regulation No. 1. Senior high work-study cooperative programs involving vocational rehabilitation have proved to be the best means of working with high school mentally handicapped youth. Modified course requirements allowing credit for supervised work experience allow for a realistic educational program which helps the mentally handicapped make the transfer from school to the world of work with a maximum chance for success as self-supporting citizens. This transition is accomplished through combining realistic school experiences with work experiences with on-the-job or an appropriate training station. Students must be under the supervision of the teacher-coordinator (Special Education) for a least one-half of their school day. The curriculum includes four and one-half (4½) units (grade 9), and six (6) units of required courses (10-12):

1. Communication Skills - 3 units
3. Life Science - 1 unit.
2. Social Studies (American history) - 1 unit.
4. Computational Skills - 1 unit.

The remaining units necessary to complete the required 18 units for graduation will be chosen from the following:

1. Co-op Training (work experience or on-the-job training maximum - 7½ units. Maximum 3 units per school year.)
2. Home Training - maximum 3 units.
3. Vocations - maximum 3 units.
4. Physical Education - maximum 3 units.
5. Arts and Crafts - maximum 6 units.
6. Choir - maximum 3 units.
7. Shop courses - maximum 7½ units.
8. Other appropriate electives as recommended by the Cooperative Program team.

**Bureau of Education for the Handicapped - 1969 Data*

***Association for Retarded Children*

1976

TRAINABLE MENTALLY RETARDED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
.3%	Staff or Parents	Individual test or examiner's recommendation	IQ 30-50	5-10	4-21	Develop adequacy in social adjustment and self-help skills for semi-independency.

TRAINABLE MENTALLY RETARDED DEFINED:

The "trainable" may be defined as a child whose mental development is so severely retarded that he is incapable of being educated in academic subject matter areas. He can be trained however, in the areas of self-care, social skills and economic usefulness. With proper training many of these can live in society with minimum supervision and engage in gainful employment under supervision in a sheltered environment.

CHARACTERISTICS: They are children of legal school age, who are ambulatory and well enough to engage in class activities. They must communicate want, and understand simple directions. In addition they must be able to adjust well enough socially so that they do not constitute a danger to themselves or others, and must be emotionally stable enough to engage in activities of the classroom. They are vulnerable to emotional problems which depress their functional level. Noticeable physical deviations and smaller stature, unusual head size, crowded and poorly formed teeth, unusually shaped ears, often overweight, their talking and walking frequently delayed, and often have poor eating habits.

1977

1973-74 STATE PROGRAM	Number of Classes	Number of Children
Elementary	59 2/3	896
Junior High	19 2/3	380
Senior High	9	63

EMOTIONALLY DISTURBED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
2%	Staff or psychological examiner	Phychological evaluation	Emotionally disturbed minimum IQ-90	5-10 5-25 Lab	4-21	To effect a degree of personal adjustment sufficient to return to regular classroom.

THE EMOTIONALLY DISTURBED DEFINED:

The emotionally disturbed child is defined as one who, because of breakdown in the family constellation or because of economic, social or other conflicts, has failed to mature socially and emotionally within the limits imposed by society. Because of these unresolved social and/or emotional conflicts, the child is unable to adjust himself to the routine of a regular classroom and profit from the instructional program offered.

INCIDENCE:

Studies of the incidence of emotional and social disturbances among children have reported incidence figures varying from less than 1 per cent to as high as 18 per cent of all children being so classified. These apparent discrepancies are probably related to the age group, sex, and socio-economic level being investigated rather than resulting from unreliable survey techniques. On the basis of the present data available, a conservative estimate would indicated that at least 2 per cent, or approximately 12,897 children with severe emotional conflicts, are now enrolled in public schools in Oklahoma.

1979

LOCATING AND IDENTIFYING THE EMOTIONALLY DISTURBED:

1. Many children in need of special class placement are easily recognized because of their "acting out" behavior. Such symptoms as excessive aggressiveness, hostility, negativism, bullying and lack of conformity are usual signs. Some children who pose fewer problems of management in the classroom, but who may be in urgent need of special help, are often overlooked by teachers. These are children who manifest behavorial symptoms of excessive shyness, withdrawal, inability to relate to others, nailbiting, thumb sucking, etc. Any child who engages in this type behavior excessively should be considered as a possible candidate for special class placement.
2. School records (Cumulative Folders) that have been well kept with systematic teacher recorded observations, with test data, grades, etc., are useful in locating children in need of special class placement.
3. Family physicians, pediatricians, psychiatrists, mental health and child guidance clinics also constitute reliable sources for locating and referring children with emotional problems.

1980

PRESENT PROGRAM 1972-73
Children served - 181

Number of Classes
Elem. - 10
Jr. High - 7
High School - 4

Number of Children
Elem. - 84
Jr. High - 53
High School - 44

HEARING IMPAIRED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
Hard of Hearing 5% Deaf .075	Staff or Parents	Individual audiological evaluation	Educable 40 minimum decibel loss	5-10	2-21	Furnish compensatory educational experiences, to develop academic and physical potential to adjust to regular classes and to become socially adequate.

1981

DEAF AND HARD-OF-HEARING DEFINED:

A child referred to as hard-of-hearing has a hearing loss which has not prevented his acquiring speech and language in the normal manner.

Thus, "hard of hearing" describes a person who experiences difficulties in auditory reception. Auditory reception can sometimes be improved by amplification or training. The child who is hard-of-hearing may not hear all sounds distinctly, and frequently confuses, substitutes, or omits sounds. He, however, like the hearing child, readily communicates orally and acquires a basic mastery of language.

A child referred to as deaf is hearing impaired to such a degree that it has prevented his acquiring speech and language in the normal manner. The child who is deaf has no language when he enters school. His primary means of communication is that of simple gesticulation. When the deaf child enters school, emphasis must be placed on the acquisition of language, for without language little academic progress is possible.

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	17½	249
Junior High	1½	24
Senior High	2	29

ACADEMICALLY GIFTED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
1%	Professionally qualified persons	Individual Intelligence Test	Above 135 IQ	5-10	4-21	Provide differentiated educational programs beyond those normally provided.

ACADEMICALLY GIFTED DEFINED

Various surveys indicate that the concept of giftedness varies remarkably from state to state, school system to school system, indeed, between individuals in a single system. There seems however, to be general consensus that students who test above an IQ of 135 on an individual test of intelligence indicating high academic potential are not adequately provided for in the general program. This level of intellectual functioning (IQ of 135 to 140) is also considered as the lowest level of intellectual giftedness.

1983

SERVICES FOR THE GIFTED

There are many ways of providing for gifted children, such as:

a. early entrance to school
b. grade acceleration
c. accelerated curriculum
d. seminars
e. work-study programs
f. special projects
g. cooperative programs with
   colleges
h. educational counseling
i. remedial instruction
j. personal counseling

1973-74 STATE PROGRAM:	Number of Classes	Number of Children
Elementary	5	66
Junior High	0	
Senior High	0	

PERCEIVED PROGRAM NEEDS FOR THE GIFTED

Early identification

New Curricula

Proceeding at own Rate

1984

BLIND AND PARTIALLY SIGHTED

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
1%	Staff or Parents	Examination by Ophthalmologist	Educable 20/70 Vision or less	5-16	2-21	Furnish compensatory educational experiences to develop academic and physical potential to adjust to regular classes and to become socially adequate.

1985

VISUALLY HANDICAPPED DEFINED:

Those individuals whose best corrected vision is 20/200 or less are legally defined as blind. Individuals with a corrected visual acuity of 20/70 or less in their better eye are considered to be handicapped sufficiently to be eligible for special class placement.

ESTABLISHING CLASS FOR THE BLIND AND PARTIALLY SEEING:

Size of Class: The number of children must be determined by the defects in vision and the amount of individual oral instruction necessary. Five (5) is a minimum teaching load and sixteen (16) the maximum in a sight-saving class. In some instances, they attend regular classes and use the sight-saving room as a home room or attend class using sightsaving equipment and materials.

Eligibility of Children for Classes for Blind and Partially Seeing: Children who need special help and guidance in preserving the sight they have while continuing their education are candidates for the sight conservation program. The specialist will recommend the child for the sightsaving class. This recommendation and other pertinent information will determine his admission to the sight-saving class. Large print books, braille books, and special equipment, materials, and devices can be ordered through the Special Education Section of the State Department of Education. Assistance in partial reimbursement for funding of reader service can also be provided.

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	4	34
Junior High	1	5
Senior High	0	

PHYSICALLY HANDICAPPED:

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF CLASS
.5%	Staff or Parents	Individual Test and Recommendation from Physician	Educable Physically Handicapped	5-16	4-21	Furnish compensatory education experiences to develop academic and physical potential to adjust to regular classes and to become socially adequate.

PHYSICALLY HANDICAPPED DEFINED:

"An individual under 21 years of age who is so handicapped through congenital or acquired defects in the use of his limbs and body musclature, as to be unable to compete on terms of equality with a normal child of the same age."

ELIGIBILITY FOR PLACEMENT: Not all physically handicapped children are eligible for placement in a special class. It has been estimated that two out of three can attend the regular classes and one in three will need the special class. No child should be put in a special class as long as he is making a reasonably good adjustment to the regular school situation. However, it is sometimes necessary to make special provisions such as moving a class downstairs, arranging to move a child from room to room, more advantageous seating, shortening his school day, etc. Some will need to spend part time in speech or sight-saving classes.

TRANSPORTATION AND BOARDING: Due to the fact that crippled children are widely scattered, many of them in regular and special classes will not be able to attend unless transportation is provided. Many otherwise homebound children can come to school if some way can be found to bring them. When a handicapped child is transferred from his home district to another district for special education purposes, the district providing the special education will be reimbursed by the Special Education Section for any amount up to $450.00 per child per year for transportation (private or public). For complete details of this arrangement consult the State Board of Education Regulations on reimbursement for the Physically Handicapped.

1973-74 STATE PROGRAM:	**Number of Classes**	**Number of Children**
Elementary	12	136
Junior High	0	0
Senior	0	0

1988

HOME BOUND - SPECIAL SERVICES

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CLASS SIZE	AGE	PURPOSE OF PROGRAM
	Staff or parents	Physician's Statement	Educable Physically Handicapped or Pregnant	3 lessons per week, or adapted	6-26	Individualized home or special instruction to enable pupils to continue academically.

VISITING HOMEBOUND TEACHER AND SCHOOL-TO-HOME TELEPHONE SYSTEM: When an educable physically handicapped child is so handicapped that he is unable to attend any school in his district, the superintendent of any independent school with the approval of his school board, or a county superintendent of dependent schools with the approval of the local school board, may provide a homebound teacher for the child in his home, hospital, sanatorium, or preventorium; or a child may have instruction through a school-to-home telephone system, instead of having a homebound teacher. Also included as being eligible for homebound teaching services are girls who are unable to attend their regular classes due to pregnancy.

CLASS SIZE: One homebound child who is provided instruction by a visiting teacher, one (1) hour per day, three (3) or more days per week is considered a unit, or class of homebound teaching. A child who is taught by the school-to-home telephone system shall be recorded as being enrolled and in school attendance each day he participates in classes by this method.

SPECIAL SERVICES FOR EDUCABLE PHYSICALLY HANDICAPPED CHILDREN TO ENABLE THEM TO ATTEND SCHOOL IN THE REGULAR CLASSROOM: An educable physically handicapped child, so handicapped that he is physically unable to attend school in the regular classroom without the aid of one or more special services, may be provided transportation, special equipment, devices, large print or braille books, supplies, or other facilities.

1989

PROCEDURE: Before a student is placed on Homebound Teaching; School-to-Home Telephone System of Instruction; or provided special aids in order to attend the regular classroom, the superintendent requires the parents to have a physician fill out the certificate of disability for the child. The superintendent then forwards the certificate along with the appropriate preapproval application to the State Department of Education for approval.

Program 1972-73	No. of Children
Regular homebound	1,274
Homebound for pregnant	963
School-to-home telephone	33
Aid to attend regular class	12
Room & board	20

Program 1972-73	No. of Children
Transporation to sp. class	647
reader service for blind	2
Optical aids	3
TOTAL	2,954
Number of districts	179
Number of counties	68

VISITING COUNSELOR

INCIDENCE	REFERRAL	EVALUATION	ELIGIBILITY STANDARDS	CASE LOAD	AGE	PURPOSE OF PROGRAM
Unknown	Staff or Parents	Whatever is needed	Social and/or emotional problems	Minimum 250	4-21	Help children use the resources of the school effectively.

ROLE OF THE VISITING COUNSELOR:

The work of the visiting counselor is a part or an interprofessional approach to understanding and providing help, within the program of the school, for children who are having difficulties in using the resources of the school effectively. He may provide help in relieving the current symptoms of a child's problem, but his goal is corrective and preventative in nature rather than trouble shooting. Through the case work approach, he brings to bear all the needed facilities and services of the school and community on the child's problems in order to assist him in making adjustments that will allow him to gain the most from his school experiences. To achieve this goal, the visiting counselor may utilize the services of the physicians, school nurse, school psychologist, guidance and educational counselors, reading specialists, special education teacher, community social agencies, service and church organizations, or any other agency or individual. He might be considered a liaison person between the home, school, and community agencies. The Visiting Counselor acts as a consultant to teacher, principals, and other school personnel. His special contribution is based on his understanding of human behavior, his skill in relationship and interviewing, and his ability to use school and community resources.

LOCATING AND IDENTIFYING THE CHILDREN WHO NEED VISITING COUNSELOR SERVICES:

Children who are usually referred to the visiting counselor are those whose behavior in the classroom or other school situation is symptomatic of poor social and/or emotional adjustment. Some of the more common manifestations of these problems are over-agressiveness, withdrawal, truancy, academic under-achievement, apathy, lack of physical energy, sullenness, resentfulness, stealing, habitual lying, telling of fantastic stories, cruelty, temper tantrums, excessive day dreaming, fearfulness, showing off, feigning illness to escape responsibilities, twitching, tics, stuttering, and specific learning problems such as reading. Where help is not otherwise available, the visiting counselor can usually find ways to assist destitute children. Another important function is that of being a liaison person between the home and the school.

1973-74 STATE PROGRAM:	Number of Programs	Number of Children
	37	20,000 (Est.)

REGIONAL
EDUCATION SERVICE CENTERS

Regional Education Service Centers offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each center provides SPECIAL EDUCATION core services which include, but are not limited to:

1. Student Appraisal
2. Media
3. Individualized Learning Plans
4. Staff Development
5. Counseling
6. Educational Planning

These services are directed to the point of need and are designed to follow the student.

Each center staff includes: 1) Center Coordinator, 2) Psychometrist, 3) Prescriptive Teacher-Counselor, and 4) Secretary.

Centers "belong" to the region they serve. Contact the center nearest your school for information regarding service. Center personnel will come to your school to deliver service. Centers are open 12 months a year.

The offices for these centers are:

1. Ada
2. Alva
3. Ardmore
4. Bartlesville
5. Cushing
6. Elk City
7. Guymon (Satellite of Elk City)
8. Hugo
9. Kingfisher (County Supt's office)
10. Lawton
11. McAlester
12. Moore
13. Muskogee
14. Sallisaw
15. Stillwater
16. Tulsa (County Supt's office)

1994

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Excerpt from State Law Article XXI, Sec. 162

Section 162. Programs for Special Education – School Districts – County Superintendent – Exceptional Children Defined – State Aid. The several school districts of Oklahoma are hereby authorized to provide special education necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Exceptional children shall mean gifted children, educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed or perceptually-handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children, and other handicapped children of four (4) years of age as of the first day of November of the school year and blind and partially blind children and deaf and hard of hearing children two (2) years of age or older who are bona fide residents of this state, whose condition is such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

From and after September 1, 1970 it shall be the duty of each school district to provide special education for all handicapped exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard of hearing; or

4. Transferring certified handicapped exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefor as hereinafter provided.
For complete law, see Special Education Bulletin No. 9.

1996

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Senator **Williams**. Now may we go to Dr. Selznick's statement, and then we will have time for some more discussion.

STATEMENT OF HARRIE M. SELZNICK, PH. D., CONSULTANT IN EDUCATION, EXECUTIVE SECRETARY FOR COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION, INC., MARYLAND

Mr. **Selznick**. Thank you, Senator Williams.

I suppose I might term my present situation as being semiretired because I did leave the responsibility as area superintendent for special education in order that I might work more broadly and do special studies in the field of handicapped children.

I appreciate the opportunity to present testimony on this particular bill. I am going to limit my presentation to basically those aspects of Senate bill No. 6 that relate to funding.

I appreciate the opportunity to present testimony on S. 6, the Education for All Handicapped Children Act. The purposes of this bill are ones which I most heartily endorse. This bill represents a reaffirmation of the position that no democratic society should deny educational opportunities to any child, regardless of his suggested potentialities for making a contribution to society.

Our system of universal education should insure learning opportunities for every child. Since the passage of the first public school laws, in the mid-19th century, this principle has received general endorsement but qualified execution.

While lip service has been paid to the intent of the principle, various interpretations of the terms "education" and "all children" have deprived many children of their rights.

In one State in which I did a study I found there was a range of from 67 percent of handicapped children being included in special education programs to 29 percent with other counties of that particular State falling in between those two limits. For the State as a whole but 52 percent of the handicapped children who had been identified by name and by home location were receiving special education services.

In another State I found the tax money that was being raised for the handicapped did not necessarily find their way to such programs.

In that particular State there was a levy for general education. All children of the school districts were being counted and included in a census. There was a separate census where only the handicapped were being counted. The moneys that were being raised on the total count were not made available to programs for the handicapped; only the moneys raised as additional levy for the handicapped were being used for these particular programs.

The requirement for State plans as set forth in S. 6 is a strong step forward. Not only should there be the requirement that States develop comprehensive plans for service to the handicapped, but there should be the additional requirement that each school district of each State submit similar plans to their State education agency.

There must be positive evidence that the individuals charged with the primary responsibility for the education of children residing in each school district make plans for the educational program and services required by each child of each district.

It is only as the planning requirement gets to the location of the child that one is given reasonable assurance that all children will be included in the planning effort.

If a basic requirement of each school district is that a census of the handicapped be compiled, the plan could then demonstrate that all children identified as handicapped have an educational placement and plan suggested for them.

Every child is entitled, equally, to the financial assistance proposed by S. 6. I, therefore, suggest that any reference to grants to the States be clarified.

My primary concern with S. 6 relates to the funding and I would like to set forth some basic principles on the funding of special education which, while not all inclusive, do include some of the elements.

However, we ought not to get hung up on the funding approach to the detriment of the purposes for which the act is intended.

I believe the moneys ought to be made available for educational opportunities for all handicapped children of our country; that the money ought to be earmarked for specific purposes for which it can be appropriated, and located in the specific budget pocket to which all revenue for that purpose should be directed and from which all costs are paid.

In this manner one is better able to assess the true value and to arrive at true cost figures.

The basic principles that I would like to present are:

1. All children are equally entitled to the opportunity for an education.

2. The costs of the education for handicapped children will, in most cases, be totally in excess of the costs of education for the "normal" child.

Local levels of support should be at least equal for these children as compared with those made available for the nonhandicapped child.

3. Program costs vary considerably not only from school district to school district, but among disability groups and within disability groups, because, not all children similarly labeled require the same level of servicing.

Some handicapped children require total special school placement, others may require special class placement, others may be intergrated for the major portion of the day in a regular program, with some supportive services.

In the latter part of my testimony I have included some reports on average costs of programs. One will find that the range from the most expensive to the least expensive is considerable.

The most expensive programs cost about two and a half times that of the least expensive for children similarly diagnosed and similarly located. The handicapped children are placed in programs that are supposedly comparable one of the other but in different local educational agencies.

4. Since there are these great differences, and since diagnostic labels seldom describe the educational program or the learning location which may best serve a handicapped child, a method of funding must be found which is not based on diagnostic labels.

I am not taking issue with the definitions that appear in S. 6 because there is a need to define the population that is the target of the bill, but these definitions do not provide a good means for determining the costs of the programs.

We ought to know more about those for whom the appropriations are intended, but the costs factor cannot be identified by a mere description of the kind of children to whom these services are intended.

5. Reports as submitted by local education agencies are, in most instances, open to question regarding both enrollments and program costs.

In one particular area with which I had contact within the last 2 years a school district asked to submit figures on just its total enrollment, and we were given a figure.

Two weeks later the superintendent of schools asked to submit a notarized statement regarding a corrected enrollment figure. That corrected enrollment figure was up about 6,000 pupils over the prior suggested enrollment.

Three weeks later, a second amended report was submitted, once again increasing by 3,500 youngsters the suggested enrollment.

Now, if a school district has difficulty in identifying the numbers of youngsters enrolled in the school district with accuracy at some point during the school year, one wonders about the accuracy of other reports that might be submitted by that very same school district.

In another investigation I requested of two different school districts the costs for educating the so-called educable mentally retarded child within that school district.

I asked for figures on what it costs to educate such children in a self-contained classroom, and what it cost them to educate such children on a resource program. The resource program being the approach where the child spends a considerable portion of the day in a regular classroom but comes out for supportive services and help to resource personnel.

The figures were submitted as of the first of November by the budget and accounting departments of the two counties. Approximately 5 weeks later another individual doing a similar study made the same request of the same two offices.

In one instance the cost per pupil was increased by $250, and in the other case othe cost per pupil was increased by $125.

One wonders how those figures were arrived at by the very same individuals in the very budget and accounting offices.

6. Audits done on special programs in several States suggest that the most readily identifiable element of special education costs are personnel costs.

I question the data made available on both handicapped and nonhandicapped youngsters other than as one is able to go in and do an audit.

I worked with two auditors for over a year. We did audits on special education programs in eight school districts, and we found that the reports were inaccurate on both enrollments and program costs.

As a matter of fact, in one district they under reported their costs. They did not know how to identify what the costs for educating the handicapped child might realistically be.

7. Since most handicapped pupils are able to make effective use of at least part of the regular grade program, the funding approach should not reward special class placement by increased funding support when

regular class placement with supportive services may be more effective for a given handicapped pupil.

8. The funding approach should not reward the school system which is extravagant in the use of its educational dollars, nor should it penalize the handicapped children who live in the school district which is financially limited.

In one State where they had support for salaries of special education personnel, one found competitive bidding among school districts for available personnel because it was felt that some one other than the school district would assume the excess over the basic salary which that school district was going to make available for different salary positions.

That kind of extravagance, as Dr. Rossmiller suggests, and I support, ought not to be encouraged.

The funding approach used in S. 6 is based on excess costs of educating handicapped children. Theoretically this is a very fine approach. I would suggest it may have been thought of by a university professor, but I question its practicality.

In practice one finds it is almost impossible to find hard cost data for school districts.

The readily identifiable cost factor in practically every report is that for personnel. I am therefore suggesting an alternative to the funding of S. 6. Instead of the excess cost basis, I suggest that one consider a funding pattern that relates to the one solid factor in identifying the costs, and that is the cost of special education personnel.

If each school district were required to develop a plan indicating the handicapped children who would be served, the personnel by whom they would be served, the assignment of those personnel, the service load and the annual salary of the individual, one has the beginning of a different funding approach.

I would also suggest that the chief administrative officer of each school district be required to submit to his State department of education a statement on the average teacher's salary for that school district.

The numbers of positions in the approved plan for services for the handicapped would then be multiplied by the average teacher salary for the school district. This would represent the personnel costs of the local program for handicapped children.

Studies which we have done and audits which have been completed suggest that personnel costs will represent from 73 to 77 percent of program costs.

I have tried to get a handle around what the funding requirements would be should this proposal be acceptable to your committee. I started by looking at a school district with a suggested total pupil population of 4,000.

We, then tried to estimate the kinds of special education staffing that would be required in order that the range of services necessary to that population might be made available.

The next step was to use the figures available through the research department of NEA as to what is an average teacher's salary. Allowing for inflation on the most recent report, I used $12,000 as the average salary for the special education staffing.

In our country there would be approximately 168,000 units of 4,000 pupils each. Using this approach, a Federal appropriation of approximately $2 million would be required. Local and State governmental bodies would be required to make at least equal input into program costs.

Local and State governmental bodies would be required to make at least equal input into the program costs of education for the handicapped as were made toward the educational programs for nonhandicapped children of that district.

Additionally, all indirect costs of the program, home and hospital instruction and tuition payments to nonpublic schools for services to handicapped children whose needs are beyond the capabilities of the public school programs would be shared by the State and local education agencies.

Mr. Chairman, the purposes to which S. 6 are directed are important. This legislation is an important step forward and includes several improvements over prior legislation planned to assist educational programs for the handicapped.

My concern is that the funding pattern assist toward programs in all school districts and all handicapped children of our Nation. Each handicapped child is equally entitled to the benefits of S. 6. It is my prayer that you good people will accomplish these good purposes.

I appreciate the opportunity of making this presentation.

Senator **Williams**. Thank you very much, Dr. Selznick.

Have you gentlemen worked together? Do you know each other?

Dr. **Rossmiller**. We know each other. I do not believe we have worked together directly.

Dr. **Selznick**. No. We work individually, as is evident by our testimony.

I would be happy to answer any questions.

Senator **Williams**. Do you have any comments on Dr. Selznick's statement, Dr. Rossmiller?

Dr. **Rossmiller**. I suppose I am more optimistic than Harrie in regard to the possibility of reforming school accounting systems.

The problem basically in school accounting systems is that they have been designed historically to safeguard public funds and to insure that they were not misappropriated or stolen.

The concern for programmatic accounting is of very recent origin.

Most school accounting systems categorize expenditures in several broad function areas such as administration, construction, capital outlay, debt service, and so on.

It is very difficult to sort out the relative costs of serious programs from this great amorphous lump of data.

I have encountered the same problems as Harrie. In fact, we essentially reconstructed the financial records of the 24 or 25 school districts we explored in the national education finance project, and recast their data in our own terms, using a person either hired for that purpose or from my own staff.

However, I do not think this is a necessary or an inevitable situation. I think it is one that can be performed and, as I suggested, I think the possibilities for doing so already exist.

In terms of the relative distribution of costs, I think they are very much what I found. Personnel costs, by far, are the most important component of costs, and if I have to fund any one part of the program with which I could have any confidence, I believe it would be the personnel side.

However, there are some problems in funding personnel. It does run the risk of maintaining the very labor intensiveness of education as a field of human activity. It might very well work against the use of technology more effectively in instructional programs. It certainly would build in a running-mate lobby with regard to personnel expenditures.

We already have several very effective lobbies.

I really feel, even though I am a college professor—I spent a number of years as a practitioner—and I think it is possible and desirable to move in the direction of excess costs such as Utah, Florida, Tennessee, among other States, are currently doing.

It has this additional advantage in my judgment, of making the finding of special educational programs an integral part of a State's educational finance system, rather than something that is set aside and dealt with as a different animal.

Senator **Williams**. I am not sure I understood that. Would you repeat that?

Dr. **Rossmiller**. The excess-costs approach has the advantage, at least as it is being practiced in certain States—Florida, Utah, and Tennessee—of making the funding of programs for handicapped children an integral part of the State's total educational finance program, rather than something that is set aside and different and dealt with in isolation from the total problems of financing education.

If we are really concerned about the institutionalizing or normalizing, or whatever word you prefer, bringing handicapped children back into the mainstream of human activity, then I think it is important that we make the financing provisions part of this mainstream, and not something isolated from it.

Dr. **Selznick**. Would you like a reaction to Dr. Rossmiller's statement?

Senator **Williams**. Yes, but before we get to that, what are the other elements of excess cost that you put high on the list to be considered here?

Dr. **Rossmiller**. They say among school districts and among programs, depending somewhat upon unique situations. For example, programs for the educated deaf children may characterize it by a need for amplification equipment or other special kinds of equipment or supplies. The same would be true of blind children.

Other programs may vary in cost because of the factors such as transportation, where, in sparsely populated areas a special vehicle is required at a relatively high cost per pupil.

The major differences would be rather specific as to programs or to handicapping conditions. Maybe it is a geographic as well as a handicapping situation that causes the balance of the variation.

I don't know. Harrie, is that about what you found?

Dr. **Selznick**. Yes, I would agree with that.

Senator **Williams**. Now, Dr. Selznick.

Dr. **Selznick**. If I may make just one comment. I retired early. I retired because I arrived at a point where I questioned the personal professional integrity of some of the people with whom I had been working, and primarily this related to the manner in which finances were being handled.

I was then asked to chair a committee to write a new State law for Maryland, and we were able to beat out a new law. It was senate bill 649, which was enacted by the Maryland State Legislature a year and a half ago.

I was then employed as consultant to develop a funding package for that law, and tried to relate to Handbook II, to which Dr. Rossmiller made reference. We could not get Handbook II accepted by the superintendents of the State. They did not want to be that categorized; they did not want to be that limited.

As a result of the new law that was passed, study committees were organized to develop guidelines for operation to implement the law that was passed in 1973.

Once again, the committee was unable to get their hands on the reporting techniques to identify cost factors, and therefore came up with an unsatisfactory report, and that committee is going to have to be reactivated to do the job on a more practical and realistic basis.

What I am trying to get at is that the facts of life on the firing line dictate that there be specific locations of moneys, auditable, where one can check to be certain that the intent of an act is carried out, and that the moneys made available find their way to programs and services for handicapped children.

All too often one finds that discretionary funds are not used with discretion, that those who are extravagant with funds find the opportunity to get more funds, and handicapped children continue to be denied.

Senator Williams, to what I have said in the last, I think I should add just one additional statement.

At the point where I was employed, I found it necessary to be politic in many of my statements. I had to play the game.

Today in retirement I feel that I can call them as I see them, and if anyone would challenge, I have the reports that show exactly the proof of the statements that I have made.

Senator WILLIAMS. We have a measure for increasing funds for the education of handicapped children in conference. Did you mention that in your statement?

Dr. SELZNICK. No, but I would be happy to talk to it.

Senator WILLIAMS. So long as it is not too damaging.

Dr. SELZNICK. No, I support it because if you would like to see the original presentation, dated November 29, 1972, it was written by Harrie Selznick, and submitted to Senator Mathias.

Senator WILLIAMS. Here in the Mathias amendment we have dollars broadly directed. It does not relate to excess costs at all. This is certainly easier in computation and delivery, but we do not have the same assurance that it will be reaching the goal.

Yet it is an emergency. We are going to fight to have that provision included this year.

Dr. SELZNICK. It is temporary. It was intended as such.

Senator WILLIAMS. That is exactly the way we discussed it when it was presented on the floor of the Senate. It was unanimously passed, recognizing that we were trying to deal with an emergency situation. It is amazing how this became an emergency situation.

You would think all of us would have had the wisdom to have this part of education defined as a clear responsibility. But this amendment is temporary; it is an emergency, but it is not the final answer.

Dr. SELZNICK. No, sir, it will accommodate approximately 23 percent of the costs for educating handicapped children.

Basically, in trying to work up the formula, I related it to indirect costs, attacking just the reverse side of the program costs from what I am suggesting for Senate bill 6. Let's try to get some moneys to those States that had dicta presented to them: Your must serve these handicapped children. They are desperately in need of the money.

I was asked to work up a formula.

Dr. ROSSMILLER. I would also like to support the measure as a temporary measure. I have the same concern that Dr. Selznick expressed with regard to accountability, to the auditability of funding.

As I indicated, education has its share of rascals, just as all other professions do, and I am reasonably confident from my own observations, and from conversations with State education agency personnel and local school system personnel, that money that is essentially intended for education of handicapped children does not always end up serving that purpose.

That would be my major concern with the amendment that you are considering this afternoon. It does not target the money except in the broadest terms, and it does not provide assurance really that the money will in fact be used for handicapped children.

I believe that such requirements must be part of the legislation if we are going to accomplish the job.

Perhaps Dr. Selznick and I differ about how we might get there, but we certainly do not differ on the need for that type of requirement.

The CHAIRMAN. Are you developing a qualified group of people to understand and follow the accounting and auditing policies when we the target funds to see to it that the funds reach the target? Is this a profession that is growing—educational overseers with special understanding?

Is that what you do out there in Wisconsin?

Dr. ROSSMILLER. No, that is not what I do, but that is part of what I do.

The answer is yes. The situation is much better today than it was 10 years ago. There are two reasons for this. One is the fact that as a number of school districts in the United States—and I can speak particularly with regard to Wisconsin, which has declined—we have much more adequate professional standing in the business operation.

It was not too many years ago when school district records were kept by a secretary who had no particular training in accounting.

I think if we had added people with a background in business management and accounting to the professinoal staff of the school system, we are increasingly better able to do the detailed work that is necessary.

Certainly the advent of machine technology and machine accounting systems has been helpful.

Senator WILLIAMS. You mentioned 1,700 districts that have been working with the individualized plan or procedure.

Dr. ROSSMILLER. Yes, sir. Roughly, 1,700 schools. They are not necessarily districts.

Senator WILLIAMS. In how many States?

Dr. ROSSMILLER. Thirty-seven, at last count, have one or more schools that are organized in this particular alternative.

I would hasten to add that we are not claiming this as a panacea. I have seen too many claims for panaceas in my educational lifetime. It is not a system that is easy; it requires a good bit of commitment and effort on the part of teachers, but those people who are willing to make it are very enthusiastic. They find it is much more professionally satisfying as a way of teaching children than the self-contained classroom approach that they were used to.

The spread to 1,700 schools has occurred at approximately 3 or 4 years. The development of this particular approach started in 1964–65. In fact, the first year the Wisconsin center was established it was primarily funded by Federal funds. We worked with a number of local school districts, and State and local personnel, to try to identify some of the significant problems of elementary education.

As a result, we came up with three ideas that they wanted to pursue. One was shared decisionmaking involving more people in educational decisions, including parents, people with specialized knowledge, as well as the classroom teacher.

A second general notion was that we wanted to have continuous progress, a possibility for pupils, that is, they ought to be able to progress as quickly as possible in the various curriculum areas, and not be held back, so that the child could progress faster than the average. Or, if he did not keep up with the average, not be penalized.

The third notion was that differentiated staffing which ties in with the other two, that is, in most areas of human activity, we have had increasing specialization. To me, it is ludicrous to expect a prospective teacher to learn in 4 years of undergraduate education all the things that she needs to know about diagnosing learning problems and dealing with these problems.

The notion is if we could put together a team of people with diverse skills, this would provide a more effective situation.

This work went on through the latter part of the 1960's, working first with a small group of Wisconsin school districts, and then in 1968–69 the Department of Public Instruction identified this as a promising practice and promoted its use in some additional schools.

By 1970–71, it was sufficiently established as a promising alternative, so that the Office of Education provided some funding for us to make this available more broadly.

The center has been working first with 10 States, and now more recently with 14, to develop a delivery system that is an organization that brings together State educational agencies, local school districts and teacher education institutions in a cooperative and supportive manner to make this innovation available, and to make it work in the schools.

My background in agriculture, obviously, weighs heavily in my thinking. I think the situation in education is analogous to what would be the case if the original developers of hybrid corn, or any of the other changes that have made American agriculture so progressive, had thrown the seeds out of the laboratory window and hoped that they would sprout somewhere.

We have simply not developed a system for making available the results of educational research and educational development activities to teachers, pupils and other practitioners who want to use them. We have kind of thrown them into a resource file somewhere and said, "Well, we hope somebody uses them."

At Wisconsin, we have not been content with that. We have gone out to try to develop a way of helping people use our materials if they want to, and we think we have been fairly successful.

The fact that we have 1,700 schools in 3 or 4 years indicates that maybe there is something here that is worthwhile.

But, again, it is not magic. It is simply hard work and dedicated effort on the part of people.

Senator WILLIAMS. Have you found ways to respond to the different capabilities in learning?

Dr. ROSSMILLER. We do not have all the answers, but certainly that is one of the criteria that we use in determining the learning plans for each student.

We look at where they are relative to the task to be mastered. For example, in reading, we know there are certain skills that are required for success in reading.

One of the activities of the center is a system that permits each teacher to determine whether or not a child has mastered a given skill, and then refers that child to instructional materials designed to help the child develop that skill.

We also suggest that people carefully observe children. We know that some children learn better by hearing, others by reading, others by seeing, and others by combination of these, and teachers can pick up these kinds of clues if they watch carefully what children do and what is effective.

We do not have all the answers by any means. This is a system that is still developing, and hopefully always will, but it does provide a way for helping work with children as individuals, and not just as 25 pieces of interchangeable human material in a self-contained classroom.

Senator WILLIAMS. I wonder if we could submit some questions to you gentlemen for your reply in writing so that we can have them for the record, because you are a very valuable resource for us, and this will be extremely helpful to us in our deliberations on this. We had also hoped to have Dr. Phil Jones from the department of school administration at Indiana University with us today to examine this issue of special education finance. However, I will include at this point in the record a copy of a paper by Dr. Jones and Dr. William Wilkerson on options for special education finance, in which they examine some of the most pressing problems and reasons for lack of services for handicapped children.

I have some further questions, and we will send them on to you. We thank you very much.

[The prepared statement of Dr. Selznick and the questions referred to follow:]

STATEMENT OF TESTIMONY
ON
EDUCATION FOR ALL HANDICAPPED
CHILDREN ACT S. 6.

Presented before the
Subcommittee on the Handicapped

Senator Harrison A. Williams, Chairman

Harrie M. Selznick, Ph. D.
Consultant in Education

June 24, 1974

Mr. Chairman and members of the Subcommittee on the Handicapped:

I am Harrie M. Selznick, a consultant in Education. I am a past president of the Council for Exceptional Children, a past president of the Council of Administrators of Special Education, Inc., and am currently serving as part-time Executive Secretary for the Council of Administrators of Special Education, Inc. I retired in January 1972 from the position of Area Superintendent of Special Education, Baltimore, Maryland Public Schools. Over the past two and a half years I have been involved in the analysis of funding of programs of education for the handicapped and in the development of comprehensive legislation for the education of all children, including the handicapped.

I appreciate the opportunity to present testimony on S. 6, the Education for All Handicapped Children Act. The purposes of this Bill are ones which I most heartily endorse. This Bill represents a reaffirmation of the position that no democratic society should deny educational opportunities to any child, regardless of his suggested potentialities for making a contribution to society. Our sytem of universal education should ensure learning opportunities for every child. Since the passage of the first public school laws, in the mid-nineteenth century, this principle has received general endorsement but qualified execution. While lip service has been paid to the intent of the principle, various interpretations of the terms "education" and "all children" have deprived

-246B-many children of their rights.

Aside from the benefits to society which are derived from the provision of a complete education to our handicapped children, there are other reasons which dictate an expanded program of educational services. From the viewpoint of the individual, not only does education enable one to contribute effectively to his society, but it also provides him with an enriched, more meaningful, and for the most handicapped as well as the less limited, a more enjoyable life. To provide this enrichment to the normal child and to deny it to the handicapped child is inconsistent with the values of our society.

While the aforementioned principle is broadly espoused, in practice one finds considerable evidence that there is limited implementation of educational services and prqrams for the handicapped. This fact is evident through an analysis of the reports compiled by the State-Federal Information Clearing House of the Council for Exceptional Children. That class action suits have been filed in more than thirty states by parents of handicapped children who have been denied enrollment in the special education programs of the public schools or who have been misplaced educationally is also reflective of the situation as it actually exists.

The requirement for State Plans as set forth in S. 6 is a strong step forward. Not only should there by the requirement that states develop comprehensive plans for service to the handicapped, but there should be the additional requirement that each school district of each state submit similar plans to their state education agency. There must be positive evidence that the individual charged with the primary responsibility for the education of children residing in each school district has made plans for the educational program and services required by each child of each district. It is only as the planning requirement gets to the location of the child that one is given reasonable assurance that all children will be included in the planning effort. If a basic requirement of each school district is that a census of the handicapped be compiled, the plan could then demonstrate that all children identified as handicapped have an educational placement and plan suggested for them.

Every child is entitled, equally, to the financial assistance proposed by S.6. I, therefore, suggest that any reference to grants to the states be clarified.

The Federal government has demonstrated its concerns for the educational needs of the handicapped through the enactment of a number of laws. The majority of the programs which have resulted are administered or monitored by the Bureau of Education for the Handicapped, United States Office of Education. For Fiscal Year 1972 this Bureau administered appropriations totaling $227,291,119. Other monies were appropriated for services for the handicapped but located within the responsibilities of other agencies of government. A considerable portion of the appropriated money was reserved for research efforts and for the training of professional personnel

The basic approach required to obtain the advantages of much of the available funds has been through the development of a project proposal. These proposals were then reviewed at either the State or Federal levels and selection made for implementation. While every community, state and trainer of professional personnel had equal opportunity to submit proposals, the skill in development and presentation of plans to serve the handicapped was not broadly available. In many cases handicapped children of a given political subdivision have been denied the advantages of Federal funding because the professional personnel of that community were either unwilling or unable to compete for the available monies. Too often the advantages of what was purchased with the Federal dollars was denied a given handicapped child because of the accident of home location.

I am suggesting that safeguards must be introduced which give assurances that monies made availble to States are equally available to all children.

I would, now, like to turn to the question of funding of programs for the education of handicapped children. Whatever funding approach is finally agreed upon, one must not lose sight of the basic purposes for which funds are being made available. Neither the process by which money is supplied to the schools nor the auditing procedures should be so complex that there is diversion from the primary purposes.

Some principles which I consider basic in the funding of Special Education programs are :

1. All children are equally entitled to the opportunity for an education.

2. The costs of the education for handicapped children will, in most cases, be totally in excess of the costs of education for the "normal" child.

3. Program costs vary considerably not only from school district to school district, but among disability groups and within disability groups.

4. Since there are these great differences, and since diagnostic labels seldom describe the educational program or the learning location which may best serve a handicapped child, a method of funding must be found which is not based on diagnostic labels.

5. Reports as submitted by local education agencies are, in most instances, open to question regarding both enrollments and program costs.

6. Audits done on special programs in several states suggest that the most readily identifiable element of Special Education costs are personnel costs.

7. Since most handicapped pupils are able to make effective use of at least part of the regular grade program, the funding approach should not reward special class placement by increased funding support when regular class placement with supportive services may be more effective for a given handicapped pupil.

8. The funding approach should not reward the school system which is extravagant in the use of its educational dollars, nor should it penalize the handicapped children who live in the school distict which is financially limited.

The funding approach suggested in S. 6 is based on excess costs of educating handicapped children as compared with the costs for educating the non-handicapped. The use of this approach presupposes that such accurate information is available in all school districts. The fiscal information available from most school districts on the costs for educating the nonhandicapped defy analysis let alone those data available on the costs of Special Education. Also, it is a dangerous basis upon which to make payments. Among the practices which I have come across in the examination of programs utilizing the excess costs payment plan are the placement of handicapped children in special classes rather than the regular class placements from which the majority may benfit so that increased payments might be obtained; the payment of Special Education personnel at a higher level than is paid other professionals with equal training and experience because someone else was picking up the excess costs; and the purchasing of expensive and sometimes unnecessary equipment because these purchases could be charged as excess costs over those expended for non-handicapped children of the same school district.

The use of State average expenditures is also open to question. The basis upon which these averages are arrived at are to be questioned.

Chart # 1,"Special Education Average Salary of Certified Staff and Ratio of Pupils to Staff as Reported by Local Units", demonstrates the situation as it existed in Maryland in the 1972-73 school year. One will please note that for each diagnostic grouping, the most expensive program was from two and a half to three times as costly as the least expensive. The charts which follow demonstrate that a program of reimbursement which was based on excess costs would create serious inequities. It appears that each school district has its own budgeting and accounting procedures and that some districts include cost factors which are not included in other districts. The only readily identifiable cost factor was that for personnel. One is able to obtain a list of Special Education personnel, with an identification of specific assignment, pupil load and annual salary

Since this is the most solid and constantly identifiable item in program costs and since a request for information on personnel costs does not permit individual interpretation it is suggested that Federal financial participation in the costs of programs of education for handicapped children might more logically be based on personnel costs. This approach would result in State and local assumption of indirect costs of program, identification procedures, evaluation services, and other program costs.

As an alternative to the proposed formula for Federal participation in the costs of programs of education for handicapped children which is based on excess costs, the following is suggested:

A requirement of S. 6 is that each State submit a plan to the Commissioner. The extension of this requirement to local school districts, with, as an integral part of the plan, a listing of all personnel in full time service to handicapped children, the assignment, the service load and the salary would provide the kind of information necessary. Additionally, it is suggested that the average teachers' salary for each school district be determined. The Special Education personnel costs would then be determined as the number of Special Education positions included in the plan approved for a given district times the average teachers' salary for that district.

I propose that the personnel costs of educational programs for the handicapped should be shared equally by the Federal and State governments. Were this plan of financial participation enacted it is estimated that a Federal appropriation of approximately $2,000,000,000 would be required.

Local and State governmental bodies would be required to make at least equal input into the program costs as were made towards the educational programs for non-handicapped children of that district. Additionally, all indirect costs of the program, home and hospital instruction and tuition payments to non-public schools for services to handicapped children whose needs are beyond the capabilities of the public school programs would be shared by the State and local education agencies.

Mr. Chairman, the purposes to which S. 6 are directed are important. This legislation is an important step forward and includes several improvements over prior legislation planned to assist educational programs for the handicapped. My concern is that the funding pattern assist towards programs in all school districts and all handicapped children of our nation. Each handicapped child is equally entitled to the benefits of S. 6. It is my prayer that you good people will accomplish these good purposes.

Thank you for this opportunity to express to you and this Committee my reactions to S. 6.

Harrie M. Selznick, Ph. D.
Consultant in Education

Special Education Average Salary of Certificated Staff and Ratio of Pupils to Staff
As Reported by Local Units

Local Unit	Severely Handicapped				Educable Handicapped				Itinerant Service	
	Self-contained		Resource		Self-contained		Resource			
	Average Salary	Ratio	Average Salary	Ratio	Average Salary	Ratio	Average Salary	Ratio	Average Salary	Ratio
Total State										
Allegany	6,392	3.9	6,573	24.3	8,889	12.3	-	-	7,403	53
Anne Arundel	8,005	5 5	8,670	12.0	10,920	14.2	11,283	12.4	10,189	61.0
Baltimore City										
Baltimore	10,142	4.1	12,000	13.5	10,312	11.1	-	-	12,000	65.5
Calvert	8,496	7.8	-	-	10,152	14.1	-	-	8,233	77.0
Caroline	6,038	4.7	-	-	7,138	20.0	7,821	21.7	4,529	80.0
Carroll	6,994	7.5	8,223	15.0	8,732	26.8	8,125	17.6	8,756	78.0
Cecil	9,465	7.6	9,329	23.3	10,453	13.4	9,143	24.0	8,486	79.0
Charles										
Dorchester	5,592	4.1	-	-	7,300	14	8,531	25.7	9,247	84.0
Frederick	15,339	8.7	9,881	25.6	9,960	16	7,764	23		
Garrett	6,157	3 7	-	-	6,681	11 5	8,165	9.8	6,988	80.0
Harford										
Howard	7,112	7.7	9,935	12 6	10,864	11.8	12,192	16.6	10,115	63.5
Kent	7,819	6.6	8,236	15 7	12,700	40	8,365	28.5	8,687	76
Montgomery	9,646	5.3	11,061	24.7	11,776	6.5	-	-	12,795	40.6
Prince George's	9,238	6.4	11,510	32.2	10,386	6.5	-	-	7,822	24.6
Queen Anne's	5,117	2.9	5,500	14.4	8,469	12.9	11,200	23.0	8,121	72.7
St. Mary's	6,299	3.4	9,570	26.1	8,921	13.1	9,318	26.1	8,504	76.9
Somerset	6,367	5.0	-	-	9,060	15.0	-	-	6,800	60
Talbot	7,504	5.5	6,597	11.7	12,133	13 8	10,334	13.0	8,918	80
Washington	7,726	5 7	-	-	11,289	16.3	10,092	28.2	9,645	80
Wicomico	9,336	5.1	6,470	15.9	6,963	12.9	6,567	20	8,900	80
Worcester	8,120	5.9	-	-	-	-	9,504	22.4	7,213	53.3

State Department of Education

Special Education - Severely Handicapped Self-contained
1972-73 Costs

Local Unit	# of Pupils SDE	# of Pupils Local	Total Cost of Program	Total Cost Per Pupil	Total Cost Less Local Cost Per Regular	State Cost Per Pupil	Total State Aid
Total State							
Allegany		119	244,000	2,050	1,255	1,000	119,000
Anne Arundel		467	1,245,165	2,666	1,825	1,000	467,000
Baltimore City		1,933	2,610,336	1,350	556	556	1,074,748
Baltimore		1,265	3,784,000	2,991	2,043	1,000	1,265,000
Calvert		133	194,127	1,459	692	692	92,047
Caroline		33	51,285	1,554	1,069	1,000	33,000
Carroll		117	145,163	1,241	404	404	47,281
Cecil		73	118,978	1,630	943	943	68,802
Charles							
Dorchester		29	49,316	1,701	863	863	25,027
Frederick		166	450,834	2,716	1,922	1,000	166,000
Garrett		37	73,164	1,977	1,378	1,000	37,000
Harford							
Howard		77	95,999	1,247	240	240	18,502
Kent		33	70,093	2,124	1,380	1,000	33,000
Montgomery		2,206	4,410,923	1,999	718	718	1,582,831
Prince George's		3,094	6,732,725	2,176	1,338	1,000	3,094,000
Queen Anne's		13	24,721	1,902	1,164	1,000	13,000
St. Mary's		129	242,015	1,876	1,178	1,000	129,000
Somerset		30	47,662	1,589	1,051	1,000	30,000
Talbot		22	36,735	1,670	942	942	20,719
Washington		231	379,778	1,644	860	860	198,614
Wicomico		33	93,268	2,826	2,105	1,000	33,000
Worcester		37	60,875	1,645	831	830	30,746

State Department of Education

Special Education - Severely Handicapped Resource Rooms
1972-73 Costs

Local Unit	SDE	Local	Total Cost of Program	Total Cost Per Pupil	State Cost Per Pupil	Total State Aid
Total State						
Allegany		46	42,436	923	923	42,436
Anne Arundel		773	788,218	1,000	1,000	773,000
Baltimore City		321	382,039	1,190	1,000	321,000
Baltimore		149	171,329	1,150	1,000	149,000
Calvert						
Caroline						
Carroll		697	487,376	699	699	487,376
Cecil		141	72,486	514	514	72,485
Charles						
Dorchester						
Frederick		537	274,011	510	510	274,011
Garrett		-	-	-	-	-
Harford						
Howard		520	516,819	994	994	516,819
Kent		55	44,488	809	809	44,488
Montgomery		1,110	686,192	618	618	686,192
Prince George's		4,670	2,057,959	441	441	2,057,959
Queen Anne's		180	103,833	576	576	103,833
St. Mary's		150	77,632	517	517	77,632
Somerset						
Talbot		129	93,206	723	723	93,206
Washington						
Wicomico		224	95,903	428	428	95,903
Worcester						

State Department of Education

Special Education - Itinerant
1972-73 Costs

Local Unit	SDE	Local	Total Cost of Program	Total Cost Per Pupil	State Cost Per Pupil	Total State Aid
Total State						
Allegany		160	[illegible]	163	153	26,129
Anne Arundel		2,236	[illegible]	193	198	[illegible]
Baltimore City		4,678	[illegible]	209	[illegible]	[illegible]
Baltimore		4,714	[illegible]	238	[illegible]	[illegible]
Calvert		154	19,579	127	127	19,579
Caroline		80	[illegible]	74	74	[illegible]
Carroll		624	[illegible]	126	[illegible]	[illegible]
Cecil		320	40,432	126	126	40,432
Charles						
Dorchester		252	[illegible]	218	216	[illegible]
Frederick		681	116,917	172	172	116,917
Garrett		160	17,902	112	112	17,902
Harford						
Howard		381	78,717	207	207	78,717
Kent		80	10,731	134	134	10,731
Montgomery		3,453	1,311,651	379	379	1,311,651
Prince George's		4,519	[illegible]	380	380	[illegible]
Queen Anne's		80	10,509	131	131	[illegible]
St. Mary's		400	59,463	148	148	59,463
Somerset		80	8,000	100	100	8,000
Talbot		240	[illegible]	132	132	[illegible]
Washington		240	36,485	152	152	36,485
Wicomico		240	[illegible]	140	140	[illegible]
Worcester		80	12,730	159	[illegible]	12,730

State Department of Education

Special Education - Educable Handicapped Self-contained
1972-73 Costs

Local Unit	SPR	Local	Total Cost of Program	Total Cost Per Pupil	[illegible] Cost [illegible] Local Cost Per Pupil	[illegible] Cost Per Pupil	[illegible]
Total State							
Allegany		180	169,921	944	159	159	[illegible]
Anne Arundel		712	746,909	1,049	[illegible]	[illegible]	[illegible]
Baltimore City		10,723	8,957,228	835	[illegible]	[illegible]	[illegible]
Baltimore County		1,352	1,710,[illegible]	1,265	3[illegible]7	[illegible]	[illegible]
Calvert		85	94,49[illegible]	1,112	354	354	29,[illegible]
Caroline		120	92,418	770	275	275	33,0[illegible]
Carroll		54	30,102	557			
Cecil		83	82,576	995	535	[illegible]	2[illegible],02[illegible]
Charles							
Dorchester		14	13,655	975	137	137	1,[illegible]
Frederick		58	56,650	977	193	193	10,4[illegible]
Garrett		70	49,501	707	106	106	7,[illegible]
Harford							
Howard		118	169,589	1,437	430	430	[illegible]
Kent		40	37,320	933	189	189	7,[illegible]
Montgomery		458	667,874	1,458	176	176	80,716
Prince George's		244	550,586	2,256	1,369	1,000	24[illegible]
Queen Anne's		159	148,905	991	262	262	39,0[illegible]
St. Mary's		146	143,818	985	287	287	41,922
Somerset		15	15,365	1,026	480	480	7,3[illegible]
[illegible]		97	108,410	1,118	390	390	37,[illegible]
[illegible]		280	261,946	934	200	200	53,2[illegible]
[illegible]		201	221,103	1,100	379	379	76,1[illegible]
[illegible]							

[illegible] Department of Education

2022

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Special Education - Educable Handicapped - Resource Rooms
1972-73 Costs

Local Unit	State	Local	Total Cost of Program	Total Cost Per Pupil	State Aid Per Pupil	Total State Aid
Total State						
Allegany						
Anne Arundel		230	256,679	1,116	1,000	230,000
Baltimore City		342	211,106	617	617	211,106
Baltimore						
Calvert						
Caroline		130	64,654	497	497	64,654
Carroll		110	64,964	591	591	64,959
Cecil		296	141,182	477	477	141,159
Charles						
Dorchester		252	175,764	698	698	[illegible],695
Frederick		75	34,325	458	458	34,325
Garrett		30	29,951	998	998	29,931
Harford						
Howard		133	105,943	797	797	105,943
Kent						
Montgomery						
Prince George's						
Queen Anne's		23	16,370	712	712	16,370
St. Mary's		150	70,529	470	470	70,529
Somerset						
Talbot		30	29,849	995	995	29,849
Washington		516	244,274	473	473	244,274
Wicomico		8	3,320	415	415	3,320
Worcester		220	117,125	532	532	117,125

[illegible] Department of Education

OPTIONS FOR FINANCING SPECIAL EDUCATION

By

Philip R. Jones and William R. Wilkerson
Department of School Administration
Indiana University

Questions prevail of how and to what extent educational programs for exceptional children will be financed. Forty-five states now have legislation mandating that appropriate programs be provided for all school-age children, but it is estimated that only 40 percent of handicapped pupils are involved in pertinent programs and that one million handicapped pupils are excluded entirely from public schools. (1972)

Perhaps as a consequence of mandatory legislation and court rulings, many states have been devoting an increasing share of state education dollars for special education purposes. USOE reports (Johns) on school finance plans of the states for 1968-69 and 1971-72 provide data which show that identifiable appropriations for special education increased from $353 million to $645 million, or by 82 percent. During the same time period, total state aid for public elementary and secondary schools had moved from $13 billion to $18.3 billion, which was a 42 percent increase.

Several states include funding for programs for exceptional children as components of the general state foundation program. Weighting factors are frequently used in recognition of the lower pupil-teacher ratios usually associated with special education programs. If it were possible to determine the amounts included in the programs of the 19 states which distribute part or all of the funds for special education in that manner, it is also likely that the percentage increase for special education funding would be greater than for the general aid program.

Data for seven selected states concerning basic state support for public elementary and secondary school programs and for grants for special education are shown on Table 1.

TABLE 1. AMOUNT OF BASIC GRANTS AND GRANTS FOR SPECIAL EDUCATION PROGRAMS, SELECTED STATES, 1968-69 AND 1971-72.

State	1968-69 Appropriations (in millions)		1971-72 Appropriations (in millions)		Percentage Increase 1968-69 to 1971-72	
	Basic	Special	Basic	Special	Basic	Special
California*	$1,092.9	$125.5	$1,131.4	$164.7	3.5	31.2
Illinois	361.7	23.8	766.9	63.6	112.0	167.2
Maryland	141.9	17.5	176.7	27.1	24.5	54.9
Michigan	579.8	32.0	722.6	58.7	24.6	83.4
Pennsylvania	562.6	44.0	953.0	82.0	69.4	86.4
Virginia	248.8	5.9	267.8	11.1	7.6	88.1
Wisconsin	136.8	9.6	153.0	22.3	11.8	132.3

*Data are for 1967-68 and 1970-71.

Source: Johns, Thomas L., Public School Finance Programs, (Reports for 1968-69 and 1971-72) U.S. Office of Education.

The data in Table 1 show, at least for these seven states, that special education appropriations from the state have increased at a much more rapid pace than appropriations for basic educational programs. Even in states such as Illinois, which more than doubled basic state aid in the time period studied, appropriations for special education had increased at a greater rate, 167 percent.

Figures in Table 1 also indicate that state funds for special education programs, while increasing rapidly, still are only a small fraction of funds available for basic school programs.

Thomas (1973b), who analyzed the fiscal capacity of states and percentage of handicapped children served, found that per capita personal income correlated highly with the percentage of handicapped children served (r.53). She suggested incorporating the variable of per capita personal income into a formula for state and federal fiscal support. The Thomas study further implied that mandatory legislation resulted in provision of many services for exceptional children primarily when the law occurred in states with high wealth.

It would appear that this fact may give support to legislation at the federal level for involvement in the financing of programs for exceptional children. Support from federal revenues would tend to equalize the fiscal capacity among the states.

That special education costs more than many other educational programs in the schools is generally accepted. However, when one views statistics relating to selected states it is obvious that the percentage of educational dollars expended for special education did not even equal the percentage of children identified as handicapped by the state.

Table 2 presents data for 11 states and the District of Columbia with Connecticut singled out for attention. That was the only state where the percentage of educational dollars expended for special educa-

TABLE 2. PER CAPITA INCOME, PERCENTAGE OF HANDICAPPED CHILDREN, PERCENTAGE OF FUNDS SPENT FOR SPECIAL EDUCATION, AND PERCENTAGE OF HANDICAPPED CHILDREN SERVED, SELECTED STATES

	Per Capita Personal Income 1970*	Rank on Per Capita Income	Percentage of Children Age 0-21 Handicapped	Percentage of Funds Spent For Special Ed.**	Percentage of Handicapped Children Served**
Dis. of Columbia	5,387	1	8.63	2.39	49
Alaska	4,592	5	3.89	2.96	25
Massachusetts	4,360	10	5.22	3.28	65
Ohio	3,972	15	8.15	2.68	48
Colorado	3,816	20	8.80	4.04	42
Wisconsin	3,693	25	8.90	5.02	42
New Hampshire	3,590	30	6.80	2.58	22
Georgia	3,332	35	7.15	2.12	36
North Carolina	3,207	40	8.75	2.91	32
Louisiana	3,049	45	7.98	1.97	15
Arkansas	2,791	50	16.83	1.05	14
Connecticut	4,856	2	8.04	8.41	46

*Advisory Commission on Intergovernmental Relations, State-Local Finances: Significant Features and Suggested Legislation, 1972 Edition, p. 299.

**Based on figures from Bureau of Education for the Handicapped (USOE), Annual Report of Projected Activities for FY1972 for Education of Handicapped Children under Part VI-B, EHA; and NEA Res. Report, Est. of Sch. Stat. 71-72.

tion exceeded the percentage of handicapped children. Even in the case of Connecticut it should be noted that less than 50 percent of handicapped children were served.

In 1973, the Bureau of Education for the Handicapped reported that 12 percent of the school population in the United States could be considered to be handicapped. It is obvious that the state estimates shown in the table differ significantly from the 12 percent figure.

Necessity for State Funding of Special Education Programs

The question of whether the public schools should provide an educational program for the handicapped child seems to have been resolved through legislation and litigation. While most states, into the '60's, had legislation permitting local programs for the handicapped, we now find 45 states which have adopted some form of mandatory legislation.

The judicial branch of government has also affirmed the right to education for the handicapped. Class action suits have been brought in many locales. The two precedent cases involving the handicapped have been Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania and Mills v. Board of Education of District of Columbia.

The Pennsylvania case dealt only with retarded children. The Commonwealth was given 11 months to identify and evaluate all retarded children and subsequently provide publicly-supported education programs for all retarded children between the ages of six and 21. A due process procedure was also outlined to protect the rights of the child and his parents.

The Mills case extended the right to education to all handicapped children of school age. The judgment called for "...a free and suitable publicly-supported education regardless of the degree of the child's mental, physical or emotional disability or impairment..." within 30 days of the order. The judgment further required hearings before changes of program in or out of the schools and the filing within 45 days of a comprehensive plan covering identification, notification, assessment, placement and educational programs for the handicapped.

While the legislative provisions had typically provided for the traditional categories and classifications of handicapped children, the courts extended provisions to all handicapped children including the severe and profoundly retarded and other severely handicapped.

Thus the question now is not whether we shall provide for the handicapped but how will we provide. The Office of Education estimates that only 40 to 50 percent of the handicapped are currently receiving necessary special education programs. Typically those children served are in programs identified as having the lowest cost differentials as related to the basic educational program.

Special Education Program Cost Differentials

Rossmiller and others (1970) reported the results of Special Study Number 2 of the National Educational Finance Project. The report, entitled "Educational Programs for Exceptional Children: Resource Configurations and Costs," contained median cost indices for various categories of exceptional children developed from data in five states. Twenty-seven school districts in five states were nominated as having high quality, comprehensive educational programs for exceptional children. Data were gathered in these districts for the various categories of exceptionality served. It should be noted that not all of the districts provided programs in all the categories.

Similar studies have been completed in districts and states throughout the country since the Rossmiller report was released.

Jones and Wilkerson (1972) completed a study in two selected districts in Indiana. Again, as in Rossmiller's study, the districts surveyed were selected as those operating comprehensive special education programs.

Sorensen (1973) reported a similar study for seven districts and joint agreements in Illinois. Again districts were selected partially for comprehensiveness of programs but regional representation in the state was also sought (as was the case in the Jones and Wilkerson study).

Snell (1973) identified three more typical school districts in the state of Indiana as the basis for his study. He utilized employment of a licensed director of special education, existence of at least four categorical special education programs or services and mean size of school corporations in Indiana in his selection. Further the three corporations selected represented the northern, central, and southern regions of the state. All participated to some degree in a cooperative or joint program and thus data from 11 school corporations were reported.

A comparison of the cost indices developed and reported in the four studies follows.

	Rossmiller	Jones & Wilkerson	Sorensen	Snell
Gifted	1.14	--	--	--
Educable Mentally Retarded	1.87	1.63	1.72	1.94
Trainable Mentally Retarded	2.10	1.79	2.31	1.81
Auditorily Handicapped	2.99	3.71	2.35 HH 2.41 DF	1.55
Visually Handicapped	2.97	6.01	2.75	--
Speech Handicapped	1.18	1.19	--	1.22
Physically Handicapped	3.64	2.76	2.94	4.18
Special Learning Disorders	2.16	2.38	2.02	1.32
Emotionally Disturbed	2.83	3.73	3.95	--
Multiple Handicapped	2.73	2.93	3.38	--
Homebound/Hospital	1.42	1.74	--	1.56

Inspection of the indices reported in the four studies reveals some similarities but also several differences leading the authors to question the validity of states' adoption of indices developed for other states or regions of the country. The indices do, however, appear to be valuable for predicting costs of special education on a statewide basis. Rossmiller further cautioned that indices are averages and "an average is just that." Other limitations suggested by Rossmiller include the following:

1. The indices reflect current practice which may or may not be what could or should be;

2. The indices show costs for educating exceptional children as related to the cost of the regular program. Therefore, a variation in the indices could occur for identical special programs per pupil costs due to differences in regular program costs.

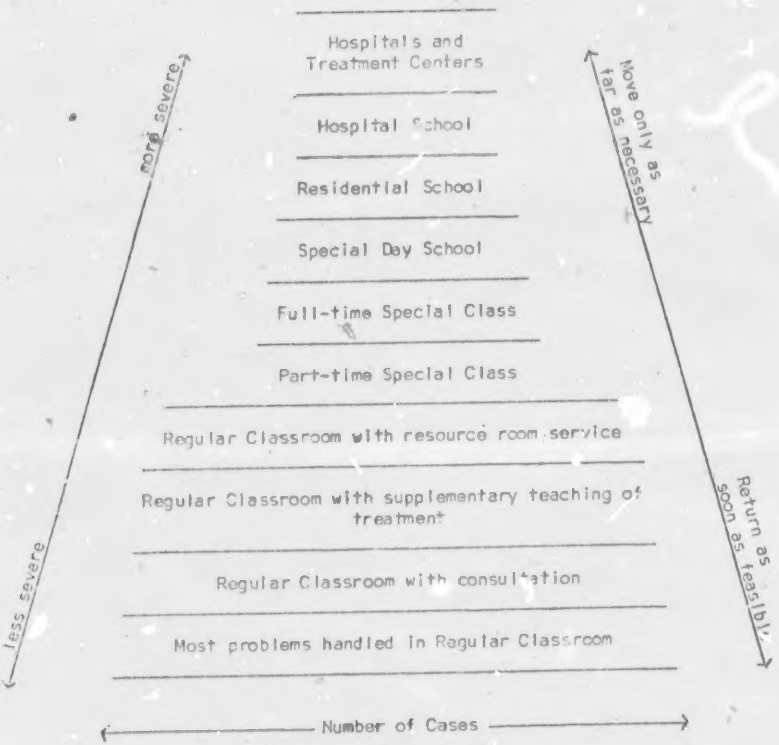
3. Costs vary among districts for a variety of reasons; i.e., pupil/teacher ratios, supplies and equipment cost, transportation, etc.

The reports from the four studies do confirm the existence of differential costs for special education compared to the average cost of regular programs. However, while differential costs between special education programs and specific regular programs may appear to be quite different, other programs, in addition to special education, also have low pupil/teacher ratios and significantly more equipment and materials costs. Program cost analyses reveal that indices comparable to those given above may be obtained for driver training, vocational programs, and perhaps foreign language instruction.

Special educators today are advocating that many handicapped children be served in the regular classroom with some supportive services made available to the handicapped child and/or his teacher. This concept is known as "mainstreaming." While the concept has recently acquired the name, it is not necessarily a new idea. In 1962, Reynolds proposed a model for provision of services to the handicapped. The model is presented in Figure 1.

Unfortunately this model for services has received little attention and with the possible exception of speech therapy, the vast majority of special education programs have utilized the full-time, self-contained special class as the major instructional arrangement. Research has ques-

FIGURE 1.


Hospitals and Treatment Centers
Hospital School
Residential School
Special Day School
Full-time Special Class
Part-time Special Class
Regular Classroom with resource room service
Regular Classroom with supplementary teaching of treatment
Regular Classroom with consultation
Most problems handled in Regular Classroom
more severe
less severe
Move only as far as necessary
Return as soon as feasibly
Number of Cases

tioned the efficacy of the special class. Sociological studies were concerned with labeling and segregation of the handicapped pupils from the normal. Litigation also questioned diagnostic and placement procedures.

There is no doubt that many children were placed in special classes when they could have remained in the regular class and been provided with supporting services. Those now advocating mainstreaming are basically restating Reynolds' model.

While it is generally true that the costs of program levels increase greatly at the upper end (special schools and above), it remains to be seen if the costs for the lower service levels will actually differ significantly from those for special classes.

The major reduction of cost, if any, from providing services at the consultation, supplementary teaching or resource room level, can be attributed only to serving a significantly larger number of handicapped students than a teacher could serve in a special class. Student needs should dictate the amount of supplementary service required.

It should also be observed that the costs of service provided at these lower levels are a total add on charge to regular class costs as occurs presently with most speech therapy.

The authors support the concept of mainstreaming wholeheartedly, but merely caution against viewing the approach as a potential for saving money. It is doubtful whether a resource teacher can provide the necessary service to a mainstreamed educable retarded, mildly disturbed or learning disabled child in the same length of time that a speech therapist provides services to a child.

Financing Problems Encountered by Local Districts

Various fiscal support procedures have been utilized by the states. Thomas (1973a) reviewed existing state support systems and grouped them into the six general categories of: unit financing; weighted formula system; percentage reimbursement; reimbursement for personnel; straight sum reimbursement; and excess cost formula.

A major concern, regardless of the funding option utilized by a state, is the lack of full funding of reimbursement entitlements of local educational agencies. While some states utilize deficiency appropriations to eventually pay full state obligations to LEA's, some merely prorate the available appropriation.

The State of Indiana is an example of the latter procedure. Indiana utilizes a plan based upon percentage reimbursement of personnel and transportation costs. While state obligations for reimbursement increased from $1,776,000 in fiscal 1962 to $11,287,000 in fiscal 1972, state appropriations to pay the obligations increased from $1,776,000 to only $3,353,000 for the corresponding period. Thus while the state paid 100 percent of its obligations to local educational agencies in fiscal 1962, only 29.7 percent of the obligation was paid in fiscal 1972. It should be noted these figures reflect only state obligations under the percentage reimbursement plan and not the total program cost to the local educational agency.

In addition to making it extremely difficult to budget program costs and anticipated receipts, this procedure creates an even greater problem for program development. Given a mandatory special education act and given a fixed state appropriation to pay reimbursement obligations, it does not take long to realize that the addition of staff and programs to meet the mandate results in a lower percentage of reimbursement to the local education agency.

Another problem noted in many state plans is the lack of current reimbursement to meet obligations of local agencies. Current reimbursement or forward funding would assist greatly in necessary program expansion. When state reimbursement is received after the fact, often as long as 12 to 18 months after the period of program operation, the local educational agency is forced to bear the total cost of program operation for an extremely long period of time. Program expansion particularly is hampered in such cases.

Schroeder (1971) found finance to be an almost universal concern of administrators of special education as they attempted to implement special education program plans required by the Indiana mandatory special education law. Over 70 percent of the administrators of special education reported some of the projected programs contained in the comprehensive plans would not be implemented unless additional state funding was available. Sixty-eight percent of the study group reported the state would need to provide at least 50 percent of total program cost to insure program implementation.

It appears that an appropriate goal to consider in devising a state plan for financing special education programs would be one of full state funding of excess costs of a local program. In other words, a local district would financially support the educational program of a handicapped child to the same extent that it supported any other child in the district.

Weintraub, et al. (1971) made the following recommendation:

> . . . the costs of educating a handicapped child beyond that of educating a non-handicapped child should be assumed by state government. However, the child's district of residence should be required to assume an expenditure for the child equal to that expended for a non-handicapped child, regardless of where the child receives an education. (p. 64)

The last phrase of the recommendation should be particularly noted in that the district of residence is not released from financial participation if the child attends a state residential facility.

Henderson (1973) offered a similar goal for special education finance:

> If each state is to reach the point where every school-aged child is receiving the best possible education in accordance with his needs, we will need to develop a program of financing special education programs to be developed throughout the state, regardless of variances in population density, prevalence of handicapping condition, wealth of district, etc. Such special education financing must be carefully related to the general state school financing plan so as to prevent under payment or over payment of cost differentials of the special education programs.

Henderson's goal mentions "prevalence of handicapping conditions." Parents of handicapped children often migrate to communities where special education programs exist. While services for the handicapped have improved in rural areas through the development of cooperative or joint programs among school districts, even now many services are not available for the handicapped in the low incidence (and often most costly program) areas. Many major businesses and industries will transfer personnel who have a handicapped child to a branch in an area where appropriate educational services may be obtained for the child.

The military is highly organized for the transfer of personnel with dependent handicapped children to installations in areas where educational programs for the handicapped are available. The various branches of the military publish directories and brochures listing the availability of special education programs available at each installation and/or nearby communities.

The Champaign Community Schools (1969) reported 13 military-connected children in programs for the hearing impaired when incidence estimates would result in the expectation of only four military-connected children in the program. Gray (1973) made a similar study covering ten school districts in the greater San Antonio area. In seven of the ten districts, the military percentage of handicapped children exceeded the military percentage of district enrollment. Military-connected enrollment in programs for the handicapped also exceeded expected enrollment when accepted prevalence estimates were applied to the military-dependent school enrollment. She concluded that the districts in the San Antonio area were bearing an additional financial burden due to the presence of the skewed population of handicapped pupils resulting from the presence of military installations.

The Champaign report and Gray study examine only one aspect of the migration of parents to localities where programs are available for a handicapped child. Whether such migration is dependent on assistance of the military, other employers, or parent initiative, the new locale bears the financial burden for the program.

In effect, school districts who develop comprehensive special education program to meet immediate local needs may experience additional costs for children attracted to the district by the existence of the program. The local financial burden could be reduced if the excess costs of the special education programs were wholly assumed by the state.

Federal involvement in differential costs for special education programs has received some attention in the 93rd Congressional Session. S.6 would provide federal payment of 75 percent of the excess costs for the education of the handicapped. HR 70 would provide grants of $600 per handicapped child plus 75 percent of the excess costs of a program costing beyond $600 per pupil. Regional hearings have been held on S.6. Some criticism, based on continued labeling of pupils, has been offered in the hearings. It is doubtful that federal participation will be realized soon but the above proposals might indicate a trend.

Analysis of Existing State Support Programs

Examination of the schemes used by states to distribute funds to local school districts for special education programs reveals almost unbelievable variety. These include very sophisticated programs which weight pupils or instructional units according to handicap and which use measures of local fiscal ability to determine entitlements. At the other extreme, one state distributes special education funds only for pupils in institutions other than public schools. Also in existence are state plans for payment of tuition for handicapped pupils to attend non-public schools.

For convenience in analyzing the wide variety of state plans, the following classification seems to be appropriate.

Flat Grants - Uniform and Variable

A surprising number of flat grant programs exists. Some of these provide a uniform amount per child, program, specialist, or classroom unit while others vary the grant amount - usually according to type of handicap. Frequently unit costs are identical but the numbers of pupils required for a unit vary by handicap area.

If a fixed dollar amount per pupil or unit is allowed without consideration of cost differentials of programs, less wealthy districts and those which attempt to provide a broad range of programs receive a heavy local burden.

Some of the inequity is removed if entitlements are geared to program cost differentials. If the grant amounts approximate the actual costs of providing programs, a high degree of equalization of program availability and local fiscal burden across the state can be achieved.

Flat grant per pupil programs, unless accompanied by appropriate controls, can result in larger classes than is desirable as districts might be tempted to reduce per pupil costs. The temptation might also exist to place pupils inappropriately in order to maximize state grants.

Programs requiring that pupils be placed in a special class in order to be counted for funding purposes work against the concept of mainstreaming.

If staff personnel is the only basis for funding, other necessary program costs are ignored and must be borne entirely locally.

Non-Equalizing Matching Grants

While this type of funding mechanism has largely been abandoned in the case of basic state aid, it is still used by several states to distribute special education funds. Under this plan, the state agrees to pay a specified percentage of the cost for a program or designated personnel. Frequently the percentage share is modified by a dollar floor or limit on the amount of the grant.

These grants do not take into account districts' differences in ability to raise the required local share. If the state's share is in the neighborhood of 75 percent or more, dis-equalizing effects are probably not too much of a problem; however, many of the existing programs provide for state participation at the 50 percent level.

Another version of matching grants which is used frequently for special education is state assumption of a percentage of cost in excess of the cost of educating non-handicapped pupils. Costs of both are geared to the per pupil or per unit amount stipulated for the state foundation program. The major problem with this approach is that both cost figures relate to a hypothetical state-wide average rather than to actual expenditures of the district.

Equalization Grants with Weighted Need Measures

Several states, particularly in the southern part of the nation, include special education funding as part of the general foundation program. Per pupil or unit amounts for special education are weighted to allow for higher program costs.

Equity of these schemes is largely dependent upon the adequacy of the need measures and the extent to which local variations in fiscal capacity are minimized.

Program cost studies, such as those cited previously and others, can provide appropriate information to aid in development of need measures. However, state policy makers frequently desire to keep formulas simple, and are tempted to use averages. When this occurs, districts offering a broad range of programs are penalized compared to those who offer only the lowest cost special programs.

Full State Funding

Presumably Hawaii assumes all costs for special education along with those for other educational programs.

The Pennsylvania 1971-72 program granted to local districts the amount expended per pupil in approved special education programs in excess of the regular program per pupil expenditure. Pupils in special education programs were also included in the basic subsidy program of the state. Thus the local district makes only the same effort for a handicapped child as for any other pupil in the school system.

If all handicapped pupils are to be served in appropriate programs throughout the state, this plan appears to contain all of the necessary elements. Local effort is no greater for exceptional children than for normal children. Local wealth factors are minimized in the development and maintenance of appropriate programs to serve all pupils.

The authors conclude that full state funding of excess program costs is the most appropriate mechanism to satisfy the requirements of mandatory legislation.

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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 2, 1974

Mr. Richard A. Rossmiller
Room 789
Education Finances Building
1025 West Johnson
Madison, Wisconsin 53706

Dear Mr. Rossmiller:

I greatly appreciate your appearing in hearings before the Subcommittee on the Handicapped on S. 6, the Education For All Handicapped Children Act. Your comments on financing special education were very helpful, and, as I indicated to you in the hearings, I am forwarding to you additional questions based on your testimony and on testimony of others in this area.

Because the Subcommittee has now completed hearings on this measure and will be reviewing material in preparation for final executive sessions on this legislation later this month, I would deeply appreciate your completing the enclosed questions and returning them as soon as possible. The hearing record will be formally closed at the end of the week of July 8th.

With best wishes,

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

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[illegible]

1. In looking at statistics across the states to see what proportion of all handicapped children are being served, it is obvious that these percentages vary both by state and by disability group. From your own experience, could you isolate the most important factors causing this variation?

   --What do you feel should or can be done to deal appropriately with these factors?

2. The Administration, in appearing before this Subcommittee June 17th, expressed two primary criticisms of the excess cost formula: 1) that the formula would encourage improper labeling of children as "handicapped," and 2) that the accounting procedures necessitated by excess costs are beyond the capability of school systems presently. It seems to me that we have a series of problems which may be more apparent than real in these criticisms. First, the formula in the bill is based on the number of children the school is actually serving, and the cost of education of these children. In order for this to encourage the labeling of children, it seems to be that school districts would really have to juggle their figures in a way which would be obvious in any kind of an audit. Secondly, in the long run wouldn't it be useful to local school districts and states to have this kind of information, which would be available from the accounting procedures set up to determine excess costs?

3. S. 6 provides that the home school district of the child remain responsible financially for the child's education whether he is educated there or not; the bill also provides that the home district may send a child to a private school if there is no appropriate program for the child in the home district, but would remain responsible for the cost. Do you agree with these provisions?

4. Dr. Selznick suggested a formula which would have the Federal Government pay for 50% of the average salary of all instructional personnel in special education within each district of a state.

   --What is your evaluation of the operation of this formula?

   --Does this not pose additional problems: For example, would it not encourage the transfer of all children to special classes because a district could then be reimbursed?

5. Also, in your study, I believe that you found that there are other costs that make the difference in special education, like transportation, ancillary personnel and other costs. What would the Selznick formula mean for these costs?

6. Basically, I believe that we all agree that we would want any assistance from the Federal Government to underwrite the education of all children equally, that the support could benefit those districts which have made a special effort through additional taxation, and that it would assist those poor districts that cannot support such additional taxation. Do you have any ideas that might accomplish that? For instance, do you think it might be a good idea to provide an additional amount of support for poor districts? Or that we suggest that all money go towards helping those areas within a state or those disability groups with the greatest need?

7. Do you have any recommendations as to parameters which we might include to define excess cost?

8. --For instance, should we limit excess cost to instructional personnel and instructional equipment?

--Should we include transportation?

8. Could you provide information for the record as to what states and school districts are using individualized plans, or direct us to where we might find that information?

9. For the districts that are utilizing individualized plans, did it require specialized training for the personnel to learn how to use them? How extensive was this training?

10. Reviewing your testimony, it would seem that the Federal Government could use the incidence figures, and the index of costs you cited in your paper to formulate a general accounting procedure to ensure that states and districts are not padding their figures, or misspending funds. You have also suggested a procedure by which a locality or a state would be able to begin to plan for programs using excess cost reimbursement, and utilizing incidence figures and cost projections to figure how much they will need to spend. If the Congress were to pass this legislation, how long do you think it would take for states and local districts to submit a plan?

Also, how long to you think it would take for the Office of Education to write regulations, and develop an accounting procedure to ensure compliance with the intent of the law.

QUESTIONS FROM SENATOR ROBERT STAFFORD

1. The Administration has stated that state and local governments are better able to finance special education than the Federal Government. Do you agree with them?

2. Would you address yourself to the question, in more detail, of mis- or over-labeling of children that might be caused by this bill?

the
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Research and Development Center
for Cognitive
Learning

the University of Wisconsin 1025 West Johnson Street Madison Wisconsin 53706 (608)262-4901

July 15, 1974

Senator Harrison A. Williams
Chairman, Committee on Labor and
  Public Welfare
United States Senate
Washington, DC 20510

Dear Senator Williams:

I was pleased to be able to appear before the Subcommittee on the Handicapped on June 24, 1974, to discuss S.6, the Education for All Handicapped Children Act. I have studied the additional questions contained in your letter of July 2. Enclosed are answers to the questions raised by you and by Senator Stafford. I hope that these responses are not too late to include in the hearing record. Apparently the Fourth of July holiday disrupted mail service for your letter of July 2 did not reach me until early last week. Other pressing responsibilities precluded me from giving immediate attention to the questions you raised and I apologize for my tardiness in replying to your questions.

Sincerely yours,

Richard A. Rossmiller

Richard A. Rossmiller
Professor of Educational
  Administration
Director

RAR:sh

Enclosure

RESPONSES TO QUESTIONS RAISED BY
SENATOR HARRISON A. WILLIAMS AND SENATOR ROBERT T. STAFFORD
WITH REGARD TO S.6, EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Questions Posed by Senator Williams

1. I believe there are several reasons for the variance in proportion of all handicapped children currently being served as reflected in statistics from the various states. One important factor is the criteria employed in determining whether or not a child qualifies for classification as handicapped. These criteria vary considerably from state to state and incidence figures generally are not directly comparable. A second important factor is the variation which exists in the procedures for identifying handicapped children. The adequacy of the identification procedures varies within a state as well as between states. I am quite sure that in many states handicapped children are not identified until they begin formal schooling and that in other states the identification of handicapped children is much more adequate and results in identification very early in the child's life. This variation directly affects the number of children identified as handicapped and thus is indirectly reflected in the percentage of handicapped children served reported by the states. A third factor is the adequacy of the system for providing educational services to the handicapped. If a state does not have a well developed delivery system, it is likely to report a larger number of children that are not being adequately served. A fourth factor causing this variation is the provision for financing programs for handicapped children. Unless the state program for financing education of the handicapped takes into consideration the additional cost involved in educating such children, local school districts are likely to overlook the needs of the handicapped child. In fact, unless the additional cost of educating handicapped children is considered, there is actually a disincentive for local school districts to provide programs for handicapped children since the additional cost of such programs will be borne largely if not entirely by local taxpayers. In school districts already hard pressed to find adequate funds to finance educational programs, there will be a strong temptation to avoid providing such programs.

   With regard to what can or what should be done to deal with these factors, reasonably uniform criteria for the identification of handicapped children would be helpful; incentives to develop better procedures for identifying handicapped children early in their life would be important; incentive or encouragement to develop more adequate delivery systems for special educational services would be very desirable; and fiscal support programs which ensure that local taxpayers will not be required to bear the entire additional cost of educating handicapped children are necessary.

2. I do not agree with the criticisms of the excess cost formula expressed by the administration. I see no reason why the formula would necessarily encourage improper labeling of children as handicapped. I believe that individualized program provisions and the due process guarantees should effectively forestall the temptation to improperly label children. The accounting procedures required to determine excess cost are clearly not beyond the capability of school systems. In fact, the most recent version of a publication of the U. S. Department of Health, Education and Welfare entitled "Financial Accounting for Local and State School Systems" provides a framework adequate for the cost accounting required to obtain accurate data concerning the excess cost of programs for handicapped children and other educational programs. In fact, one reason I strongly support S.6 is the fact that it would provide a strong incentive for local school systems to develop much more adequate cost accounting procedures and thus provide information not generally available at the present time, but which is needed for efficient management of educational programs. In my judgment, the criticisms expressed by the administration are basically "straw man" criticisms which have little if any validity.

3. I agree with the provisions of S.6. I believe the home school district of the child should remain financially responsible for the child's education and that the district should be allowed to send the child to a private school or perhaps to a public school operated by an adjacent school district if the district cannot provide an appropriate program for the child in the home district. Cooperative arrangements among school districts, particularly where no single district has enough children to operate a program efficiently, also should be encouraged.

4. The formula suggested by Dr. Selznick under which the federal government would pay for 50 percent of the average salary of all instructional personnel in special education within each district of a state has been tried and found wanting in state support programs for education of the handicapped. Some of the problems associated with this approach are as follows:

   a. The approach would do little to encourage the development of appropriate educational programs in local school districts where the tax base is relatively low. The poorer school district will have great difficulty raising the money necessary to pay its share, particularly for special educational programs which have been demonstrated to be considerably more costly than programs for nonhandicapped children.

   b. Salaries vary considerably within a state and wealthy districts have a substantial advantage over the poorer districts in attracting well qualified personnel. If the federal government were to pay for 50 percent of the average salary of all instructional personnel in special education, wealthy districts would have a distinct advantage over poor districts and we could expect to see great differences in program quality within a state.

c. Such an approach would require very clear definitions of the personnel who constitute "instructional personnel in special education." There is by no means agreement concerning how special educational personnel should be defined.

d. Such an approach would make it even more difficult to involve handicapped children in the regular program with nonhandicapped children since clearly regular classroom teachers would not be identified as "special education personnel." I believe such a program would create a strong disincentive to transfer handicapped children from segregated special classroom programs to programs in which they would mingle freely with children who are not handicapped. In short, I see no particular advantages in the formula proposed by Dr. Selznick, particularly when compared with the excess cost approach provided in S.6, and I see a number of very difficult problems with regard to both educational program quality and equality of educational opportunity in the approach suggested by Dr. Selznick.

5. The formula suggested by Dr. Selznick would make no provision for other factors contributing to the additional cost of special educational programs. The cost of transporting handicapped children is a significant cost factor in many school districts, particularly those which are sparsely populated. There also are significant special equipment and material costs in programs for children with such handicaps as defective vision or hearing, or crippling conditions. Dr. Selznick's formula would make no provision to assist local school districts in meeting such additional costs and thus would tend to discourage the development of programs where excess costs are attributable to factors other than salaries of personnel.

6. The role of the federal government in encouraging equality of educational opportunity for all children through fiscal support of education is a question with many ramifications. Many states have substantially improved the equity of their provisions for financing public education as a result of the attention focused upon existing inequities by the Serrano, Rodriguez, and similar cases, as well as by the "taxpayer revolts" against additional use of property taxation to support education. In states, such as Wisconsin, which have adopted a "power equalizing" approach to financing public education the fiscal burden of educational support is distributed with considerable equity among taxpayers in the state. Thus, the provision for the federal government to pay three-fourths of the excess cost of special educational programs would not alter the existing equity, since it would shift some of the burden now borne by state and local taxpayers through property, sales and income taxation to the federal tax base. To the extent that the federal income

tax, the major source of federal revenue, represents a more equitable tax levy than do local property taxes and state sales and income taxes, greater taxpayer equity would be achieved and certainly greater equality of educational opportunity would be accomplished.

States which permit local program quality to be heavily dependent upon the local property tax base pose a different problem. In such states, equality of educational opportunity could best be achieved by providing additional support to poor school districts so that they would be able to develop and offer appropriate educational programs for handicapped children. My work has convinced me that the major determinants of the availability and quality of special educational programs for handicapped children are the fiscal resources available to a school district. In school districts where the tax base is limited, and high property tax rates must be levied to maintain a barely adequate program, it is probably unrealistic to anticipate development of appropriate special programs for handicapped children. Thus, provisions in this law which would provide incentives to states which modify their state school financing programs to produce greater equality of educational opportunity and greater fiscal equity for taxpayers might be one approach. If such an approach is not feasible, perhaps the federal funds made available to help defray the excess cost of special educational programs could be distributed on a "power equalizing" basis to school districts within a state. Under this approach, school districts which were levying high local taxes but which were generating low per pupil revenues because of a limited tax base, would receive larger amounts of money than districts which were able to generate large amounts of revenue per pupil with relatively small local tax effort. Such an approach would have the advantage of encouraging development of adequate special educational programs in poor school districts and would make available financial assistance to all school districts which would vary in terms of the local tax effort in support of speci[illegible]al programs. I believe this approach would result in the least distortion of local priorities and in the least interference with local decision making while making available revenue which would permit local school districts to do what should be done.

7. I would recommend limiting the definition of excess cost to direct expenditures in support of special educational programs for the handicapped. Personnel who are providing either direct teaching or supporting services to programs for the handicapped should be included. For example, I believe a director of special education who devotes full-time to the management and supervision of a district special educational program should be counted as a direct cost of those programs, but a school superintendent or business manager who deals with all aspects of a district's educational program should not be included for any part of his or her time as a direct cost. Teachers, teacher aides, and other persons who work directly with children and specialized supporting personnel such as psychologists, therapists, and the like who provide services essential to the program also should be counted as direct cost. Instructional materials uniquely required for the special programs (as opposed to instructional materials generally made

available to all programs) should be included in computing excess cost and transportation cost unique to the program necessitated by the particular needs of pupils should be included. In a study conducted by Ron Bentley using data from the NEFP study, it was found that only expenditures for clerical and secretarial services and expenditures for food services did not contribute significantly to the cost differentials which existed between regular programs and special educational programs. All of the other expenditure components examined, administration, instructional supplies and equipment, building operation and maintenance, supportive services, teachers and teacher aides and transportation, were found to contribute significantly to the cost differentials. As expected, the degree to which the various expenditure components contributed to the cost differentials varied considerably from one district to another and from one program to another. (Ronald W. Bentley, "An Exploration of Relationships Between Expenditures for Educational Programs for Exceptional Children and Expenditures for Regular Educational Programs," unpublished Ph.D. dissertation, University of Wisconsin, 1970.)

8. I am enclosing a copy of the 1973-74 Multiunit School Directory which identifies elementary schools in the United States which have been organized and staffed according to the pattern known as the multiunit elementary school. The multiunit elementary school is one of seven elements comprising Individually Guided Education (IGE) developed by the Wisconsin Research and Development Center. The directory identifies elementary schools in 20 states that are using parts or all of the system of Individually Guided Education developed here at Wisconsin. Several elementary schools in Fairfax County, Virginia, are organized in this manner. Dr. Irene M. Lober of the Fairfax County Schools is very familiar with Individually Guided Education. Mrs. Lober was formerly principal of the Franklin Sherman School in McLean, Virginia, and will be assuming the principalship of a middle school during the coming year.

9. Individually Guided Education is a relatively complex "product" of educational research and development efforts extending over a period of approximately ten years. Individually Guided Education is an invention comprised of a number of ideas such as team teaching, continuous progress, and differentiated staffing which have been in existence for some time. School personnel are attracted to Individually Guided Education, however, because it combines these various ideas in a systematic manner.

The first step toward implementation of Individually Guided Education is the adoption of the multiunit school organizational and administrative structure. The multiunit school requires that a school staff (administrative and instructional) be reorganized and that they adopt new roles. It also suggests changes in the use of time (scheduling) and space (classrooms and other areas): these changes result in a more flexible use of such resources and, in fact, free the staff to use them more effectively and efficiently. The multiunit school organizational structure can be adopted easily in any type of building except where conditions are seriously overcrowded and where there is no space for large group instructional activities. No new types of personnel are needed unless the school has not been employing aides or other types of paraprofessionals.

With regard to inservice training, the principal and the prospective unit leaders need a minimum of three days of inservice training to make the changeover to a multiunit school. After this training they, in turn, provide three to five days of training to the rest of the school building staff. During the first year, a minimum of two days of inservice training is required to deal with problems which develop. However, as teacher education institutions are now beginning to prepare personnel for multiunit schools in regular undergraduate and graduate programs, there will be less and less need for the initial inservice training. Much as the staff of a conventional school needs continuing professional development, so too will the staff members of schools employing Individually Guided Education. It is estimated that one or two weeks of special purpose institutes or workshops should be provided on a continuing basis each year for experienced personnel to help them improve and refine their application of Individually Guided Education.

The Wisconsin Research and Development Center has developed books, guides, filmstrips with cassette tapes, a film, transparencies, and workshop agendas to help state education agencies and local school personnel implement the multiunit organization. With regard to cost, the majority of schools which have implemented Individually Guided Education and the multiunit school report no increase or decrease in the number of personnel with the exception of paid paraprofessionals for a median increase of four per school. Disregarding normal salary increments the majority of schools reported no increase or decrease in expenditures for personnel. Schools using Individually Guided Education do spend more for staff development activities with a median reported increase in expenditures for inservice materials of $250 per year and a median reported increase for expenditures for workshops and conferences of $500 per year. The majority of schools reported no increase or decrease in expenditures for instructional materials and equipment, although a majority also reported increased efficiency in the use of materials and equipment.

10. If the Congress were to pass S.6, states which already have adopted legislation mandating the provision of appropriate educational programs for all handicapped children should be able to develop and submit a plan within six months after guidelines are available. States such as Florida, Tennessee, Wisconsin, Utah, Idaho and Kentucky, which already have developed or are developing such plans could comply very rapidly. In states which have not yet made much progress toward the development of state plans, a period of one year after guidelines were available might be required to plan adequately for meeting the requirements of the legislation.

It is difficult for me to estimate how long it would take for the Office of Education to write regulations and develop accounting procedures since I have not been involved in such activities at the federal level. Accounting procedures which would ensure compliance with the intent of the law are already available, although they are not in widespread practice. The task here would be to work with state educational agencies and local school districts to help them understand, adopt and implement the accounting procedures necessary to provide data on program costs. The state of Florida adopted a state support system for public education which utilizes cost indices for use during the school year just completed. The experience gained in Florida as a result of this shift to a cost index approach might provide useful information in terms of how the Office of Education might best work with states and local school districts to install the required accounting procedures. I would expect that such procedures could be established and operational in 90 percent of the states and school districts in not more than two years.

I believe the Office of Education could probably write regulations required by this legislation in from six months to one year. I suggest a relatively lengthy period of time because I think state education agency officials and local educational agency officials should be involved in the development of such regulations. Implementation and enforcement of the regulations will be much more effective if state and local school officials understand the intent of the regulations. Their participation in the development of such regulations would help eliminate requirements which are not feasible, which cannot be enforced, or which conflict with state statutes or administrative rules.

Questions Posed by Senator Stafford

1. I completely disagree with the administration's position that state and local governments are better able to finance special education than the federal government. Local governments are almost entirely dependent upon property taxation. While admitedly there are some enclaves of high property value that still maintain relatively low taxes, I do not believe that we can rely on local property taxation to support a greater share of the cost of education than it currently is supporting. Although some states have not exhausted their potential sources of tax revenue, more and more states are levying both sales and income taxes and the unused fiscal capacity of the states is shrinking quite rapidly. I find the statement that state and local governments are better able to finance special education than the federal government to be totally at variance with my view.

2. The allegation that S.6 would result in the mislabeling or overlabeling of children is, I think, erroneous. There would be no direct benefit to a local school district or state in simply identifying additional children as being handicapped. Only the excess cost is eligible for reimbursement and only three-fourths of the excess cost would be shared by the federal government. Thus, simply labeling children would not benefit the district. It could benefit only by spending substantially more for special educational programs for these children.

   A second reason I believe the mislabeling is an erroneous allegation lies in the procedural and due process provisions of the proposed legislation. The requirement of individualized program development and review of placement regularly with guarantees of due process in such actions should certainly forestall or discourage the temptation to mislabel or overlabel children.

The requirement of an individualized educational program is a very significant and important contribution of the proposed legislation. I am convinced that appropriate educational programming for the child is much more important than the label the child bears. Not all children who have a given handicap need the same kind of educational program. Thus, I would argue that the provision for individualized programming eliminates any need for or temptation to mislabel or overlabel children.

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN

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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 1, 1974

Dr. Harrie M. Selznick
6807 Park Heights Avenue
Baltimore, Maryland

Dear Dr. Selznick:

I greatly appreciate your appearing in hearings before the Subcommittee on the Handicapped on S. 6, the Education For All Handicapped Children Act. Your comments on financing special education were very helpful, and, as I indicated to you in the hearings, I am forwarding to you additional questions based on your testimony and on testimony of others in this area.

Because the Subcommittee has now completed hearings on this measure and will be reviewing material in preparation for final executive sessions on this legislation later this month, I would deeply appreciate your completing the enclosed questions and returning them as soon as possible. The hearing record will be formally closed at the end of the week of July 8th.

With best wishes,

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

COPY

[Questions submitted by Senator Williams to Dr. [illegible]]

1. I am enclosing a copy of a paper done by Dr. Phil Jones on special education costs. His conclusions are that the excess cost financing option is most equitable in terms of meeting the needs of school districts and states with different standards of living and expenses, and that the flexibility of the formula provides an encouragement toward comprehensive programs. What is your reaction to this paper?

2. You point out certain problems that you have seen with districts working on an excess cost formula. However, the formula in S. 6 is based on the number of children the district is currently providing education for and the costs in the current year. The funds then could be used to expand programs to children not now served or to improve programming. The funds would not be available for current year programs, but would be based on prior information. Doesn't this mitigate the problems you raise?

3. In looking at statistics across the states to see what proportion of all handicapped children are being served, it is obvious that these percentages vary both by state and by disability group. From your own experience, could you isolate the most important factors causing this variation?

   --What do you feel should or can be done to deal appropriately with these factors?

4. The Administration, in appearing before this Subcommittee June 17th, expressed two primary criticisms of the excess cost formula: 1) that the formula would encourage improper labeling of children as "handicapped", and 2) that the accounting procedures necessitated by excess costs are beyond the capability of school systems presently. It seems to me we have a series of problems which may be more apparent than real in these criticisms. First, the formula in the bill is based on the number of children the school system is actually serving, and the cost of education of these children. In order for this to encourage the labeling of children, it seems to be that school districts would really have to juggle their figures in a way which would be obvious in any kind of an audit. Secondly, even if this formula will require cost analysis and accounting, in the long run wouldn't it be useful to local school districts and states to have this kind of information?

5. S. 6 provides that the home school district of the child remain responsible financially for the child's education whether he is educated there or not; the bill also provides that the home district may send a child to a private school if there is no appropriate program for the child in the home district, but would remain responsible for the cost. Do you agree with these provisions?

6. As I understand the formula you would propose, you would have the Federal Government pay for 50% of the average salary of all full-time instructional personnel in special education within each district of a state.

   --Why only full-time personnel?

   --Doesn't this really encourage a service model of separate or special classes because the reimbursement would be for number of personnel?

   --Doesn't this also discourage other important ancillary personnel such as aides, therapists, psychologists? It does seem to exclude a wide range of additional services for which the district would be totally responsible.

   --What would you suggest under this formulation as "allowable expenditures," i.e., what would the Federal funds be used for?

   --How would you ensure that the funds were being spent properly?

7. You have looked at school systems in operation. One of the central provisions of S. 6 is the requirement of an individualized plan for each handicapped child so that the teacher may plan forward and try to set her goals on some specific educational accomplishments. Do you support this provision?

8. Basically, I believe that we all agree that we would want any assistance from the Federal Government to underwrite the education of all children equally, that the support could benefit those districts which have made a special effort through additional taxation, and that it would assist those poor districts that cannot support such additional taxation. Do you have any ideas that might accomplish that? For instance, do you think it might be a good idea to provide an additional amount of support for poor districts? Or that we suggest that all money go towards helping those areas within a state or those disability groups with the greatest need?

[PREPARED BY DR. [illegible]]

1. I have read and re-read the Jones-Wilkerson paper. Because I was concerned that biases not interfere with the conclusions I reached, last week while in Tampa, Florida I shared the paper with several knowledgeable members of the State Directors of Special Education. Strange as it may seem, we all came to basically the same conclusions. This is a nice neat little college review of some aspects of funding of programs for the handicapped. It really makes little or no contribution to improved understanding. On July 1, 2 and 3 I was with the two authors in Bloomington, Indiana. We discussed their studies of Special Education funding in Hammond and Evansville, Indiana. What they did not share in this paper are some of the circumstances with which they met. For example, a Braille writer had been purchased for the Evansville program for the blind. This equipment was not available in Hammond. When one considers the few children enrolled in this special program and the considerable costs of this equipment one can better understand the great differences in per pupil costs. As a matter of fact, the investigators had such difficulty in locating meaningful information while in Hammond that they talked about a change in process for the Evansville investigations so as to save time. It was even suggested that they run some tapes to be littered about the room to suggest that they had done a comprehensive job. Their paper raises serious questions about any effort based on current accounting procedures which relates to weighting. The references made to the unpublished doctoral study

by Sr. Thomas indicate the comprehensiveness of that study but does not really get at some basic problems. Cost factors relate to delivery patterns. Most data are based on the delivery of services to the handicapped through self-contained classes. Increasingly one finds the inclusion of children with special education needs in regular classrooms but with the provision of special education services. I believe that funding should be directed to a purpose. The manner in which common purposes may be accomplished may vary from one community to another. The funding pattern, therefore, should not dictate the pattern for delivery of services.

P.p. 5 makes reference to estimates of the school population which could be considered to be handicapped. Such estimates have little meaning for a variety of reasons. Questions such as: - What definitions were used? Was the same definition used in each state? Were numbers obtained through a census of the handicapped or a data system for the handicapped? Were only in-school children counted? Were only school-age children counted? ---etc.--would have to be raised.

P.p. 8 demonstrates the range in indices arrived at by various investigators. As one talks with or reads the individual reports of these investigators he learns that in each case little solid data other than personnel costs could be identified. After acknowledging that fact, each investigator used his "soft data" to arrive at "hard indices factors." What a farce. Incidentally, the model for delivery of services which was supposedly proposed by Reynolds in 1962 (p.p. 9) actually was initially suggested in 1932 at a meeting in Saskatoon. It was mentioned in the literature by Harry Latshaw who gave credit to Samuel Leacock in the early 1950's. Ivan Garrison, in his presidential address at the annual C.E.C. convention in the late 50's made mention of a similar continuum of services. Deno reworded the idea around 1960 but it was basically the same. Maybe man discovers little that is new. What he really does is to rearrange some descriptors and puts old ideas within a new framework.

P.p. 13 I met with Hank Schroeder earlier this month. His study was reflective of the situation as it existed at the time of his study. Court action since that time does not authorize a delay in the delivery of needed services. In Pennsylvania, where I worked as consultant to PARC, the course dictated that lack of funds was not an acceptable excuse for failure to provide necessary programs. Among the alternatives available to school systems are the equal apportionment of available funds to all children of the district or the location of additional financial assistance from Federal, State or local sources.

P.p. 17 Flat pupil grants based on diagnostic labels are to be questioned. Children with similarly diagnosed learning problems may require very different educational adjustments which have different cost factors.

P.p. 17 The final statement "The authors conclude that full state funding of excess program costs is the most appropriate mechanism to satisfy the requirements of mandatory legislation" is an interesting one. I, and others with whom I have spoken about this paper, have difficulty in identifying the rationale by which this conclusion was reached.

Question 2-

The basic problem with excess cost funding is the inaccuracy of available cost data. In testimony Dr. Rossmiller made mention of Handbook II on school accounting. A strong effort is being made in Maryland to bring about the adoption for use of this procedure. Meetings have been held with the superintendent of schools and the chief fiscal officer of each district of the state. But one district has indicated a willingness to adopt this manual for implementation. Others wanted to retain their current systems and complained that it was too restrictive.

Question 3-

The factors which condition the range in percentage of handicapped children being served are individual with the states and varied. A list of causal factors would be almost endless. Some of the primary factors would be:

1. Lack of meaningful legislation (I'll explain if you want)
2. Failure to enforce current legislation
3. Lack of a meanful system for identification, diagnosis and assessment of handicapped children
4. School administrators have responded to pressure from organized parent groups in the initiation of programs for the handicapped. Quite possibley NARC is the strongest, most vocal and legisiatively active of these groups. One therefore finds programs for the mentally retarded in school districts in which there may be no other Special Education programs or services. It does not necessarily follow that all of these are good programs or the best

> manner in which these children can be served educationally. For a variety of reasons parents of children with emotional and social problems have been less well organized and do not include the same numbers of active workers. The result is a dire lack of needed services and programs in school districts across the country. Basically it boils down to -- who speaks for the handicapped children, how strong are they in their demands, how do they relate to the power structure. The unpublished doctoral study done at Indiana University by Sr. Marie Angello Thomas this year suggests that the two most effective factors in the delivery of programs for the handicapped are good legislation and adequate funding.

Question 4

The criticisms of the excess cost formula raised by the Administration require explanation. School districts have been known to have erred in their reporting of numbers and costs. For example: In one suburban Washington county 244 children were reported as being enrolled in a program which called for $1000 per child excess aid. Actually these 244 pupils were in a program which called for $200 per child in excess aid. In another county our audit identified 13 elementary school principals as being misreported as Special Education personnel. Our audit showed that that county had been overpaid by approximately $255,000 the previous year.

With regards to the mountain of paperwork which would be required, I am inclined to agree. If an accounting procedure such as that outlined in Handbook II were dictated, meaningful date would be obtained. Actual excess costs would quite possibly be identified. The personnel required for implementation of the procedure would be considerable, the paperwork hard to handle, the process expensive.

5

Question 5

I agree with the requirement of S. 6 that the home school district have a continued fiscal responsibility to the costs of the educational program for all children resident of that district. That responsibility should be at least equal to that towards the program of education provided to nonhandicapped children of the district.

Question 6

a. The plan which I proposed would not be limited to full-time personnel but to full-time equivalents as well. The requirement of a Plan, with the approval of that Plan by the Chief State School Officer of the State provides a control. These controls are necessary so that school districts do not overstaff or do not pay unusually high salaries to those persons serving the handicapped.

b. No, this model does not encourage separate or special classes. The Plan should describe the various service assignments. These would include psychologists, social workers, diagnostic teachers, itinerant personnel, resource room teachers and special class teachers. Each school administrator would be encouraged to look at his pupil population and make a determination as to the kinds of services which his pupil population would require. The service pattern may vary from district to district. The review of the submitted Plan by the State Superintendent of Schools would be one important control. The State Plan would in turn be reviewed by the Commissioner of Education, U.S. Office of Education.

c. Actually, since important ancillary personnel could be included in the staffing of the district Plan one could expect increased staffing at that level rather than a total reliance on special classes.

d. Primary control, as previously stated, is in the Plan. Personnel would be listed by assignment, salary, etc. in the Plan. A printout on expenditures would permit identification of specific salary positions. Audits could be easily accomplished with minimal staff requirements for that purpose.

In principle I support the requirement of an individualized plan for each handicapped child. A problem which may arise with this requirement relates to a Federal dictate on local operation. Everything relating to a given handicapped child should be located in proximity to that child. The required individualized plans should be located in the school which the child attends. It is, in my judgment, entirely appropriate for the Federal government to suggest this as a requirement to the States. The States, in turn, would make the requirement of LEA's. Personnel of the State Departments of Education could make periodic spot checks on given handicapped children to ascertain that the regulation was being adherred to.

Question 8-

Basic to any pattern of financial support for programs of education for handicapped pupils should be the requirement that local financial input should be no less than an LEA makes to programs for the non-handicapped. Once that requirement has been met other factors become active. Required assistance will relate to incidence and program costs. If a "poor" district has many handicapped children its Plan will so indicate. The staffing pattern which is proposed will indicate the costs of the program and will suggest the additional funding required of the State or Federal government. Whether a district is affluent or poor should not be a major determinant on the level of funding. All too frequently, poor communities attract poor administrators who make poor use of available funds. And, children suffer. To give increased amounts to poor communities just because they are poor could encourage ineffective and inefficient use of funds. Plans as developed at the local level, approved at the State level, -- should give an indication of the monetary requirements for support. Staffing will suggest the numbers, kinds and severity of the handicapped. Reimbursement which relates to the average teacher's salary of the district will reduce the possibility that the district will get more money than the programs expends. The pattern of support which I suggested in my testimony would assume approximately 37 1/2 percent. In most instances the additional 25 percent would about equal the local input into programs of education for the non-handicapped.

I believe that every handicapped child of our country is equally entitled to support of his educational program. As possible each child should receive his educational program in or near his place of residence. I reject a program of support which focuses on a given disability group. No such group should receive priority for services. What has happened in too many cases is that a handicapped child has been diagnosed and classified with a given label in order that funds might be obtained. The pattern which I propose says in essence, there are handicapped children in every school district of our country. The program of education which they require and to which they are entitled is more costly than is regular education. The superintendent of schools of the district in which the handicapped child resides has an equal responsibility to organize learning opportunities for the handicapped as he does for the non-handicapped. As a professional, the superintendent of schools should plan for every child of his district. The form of the plan should not reward him nor limit the child because of mislocation educationally. In essence, the school superintendent says through his plan "I have identified the following children who require services from the following personnel because of the following unusual educational needs."

I am certain that I could devise other funding approaches that are more defendable than one based on excess costs. The persons with whom I spoke at the annual meeting of the National Association of State Directors of Special Education in Tampa, Florida were to a person in support of the funding pattern suggested in the Mathias Amendment.

The purposes of S. 6 are of utmost importance. I would hope that we don't get hung up on the funding mechanism so that we are unable to accomplish good purposes. I am trying to guard against a funding approach which is based in quicksand and one which could ciphon off an unreasonable amount of the appropriated monies for administrative purposes. Some of my best friends are university professors. Many are articulate, most are theoretical but few are practical. Some have conducted studies based on this theoretical position but even having been there doesn't help if you don't know what to look for or to recognize warning signs when they are in front of you.

I strongly advise the involvement of members of the Council of Administrators of Special Education and the National Association of State Directors of Special Education in your deliberations.

Senator WILLIAMS. We will recess for a few minutes.

[Recess.]

Senator WILLIAMS. We will reconvene.

Our final witnesses are from California.

Dr. William Webster is the associate superintendent of public instruction and education program administrator for that State, and Dr. Leslie Brinegar is associate superintendent for public instruction for special education in California.

Both these gentlemen are here to tell us about their experiences in the development of the California State plan for the education of handicapped children and to describe for us the new California masterplan for special education—its status, its provisions and its implications for S.6.

I want to thank you for traveling so far to appear before us and I am looking forward to your testimony.

STATEMENT OF DR. WILLIAM WEBSTER, ASSOCIATE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE DEPARTMENT OF EDUCATION, SACRAMENTO, CALIF.; ACCOMPANIED BY DR. LESLIE BRINEGAR, ASSOCIATE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE DEPARTMENT OF EDUCATION, SACRAMENTO, CALIF.

Dr. WEBSTER. Senator, we have with us a written statement we would submit for the record.

We would just like to make briefly two or three points, and then be open for questions if that is all right with you, sir.

Senator WILLIAMS. That is fine. I have not had the opportunity to read your statement. Would you give me the essentials.

Dr. WEBSTER. The essentials are that we estimate in the State of California there are approximately 463,000 children who are handicapped to the degree that they need special services in order for them to have productive and satisfying lives. At this time, we are only bringing services to 300,000 of these young people. The awareness of this gap in services prompted the State superintendent of public instruction, Dr. Wilson Riles, and the State board of education, to direct the California Commission on Special Education to develop a comprehensive master plan, which they did.

Their charge was to devise a plan that would assure that each handicapped youngster in the State would receive adequate services that would enable him, to the best of his ability, to reach the highest levels of achievement and life satisfaction. This master plan, involving participation of thousands of parents, students, administrators, the public, school district personnel, and State department of education staff, was adopted by the California State Board of Education on January 10, 1974.

Being new to California, the degree of involvement of the citizenry at the State level has come as a surprise to me.

Immediately upon this approval, work was begun upon the drafting of State legislation, now known as California Assembly bill 4040, and on ways to implement the plan in the most expeditious manner possible. Our projection is that through our own resources we will be able to serve all these youngsters by 1980.

We are working on the process to make the provisions of that bill effective starting in fiscal 1975–76.

On page 2, we say the things it will do in terms requiring California to:

1. Require schools to provide comprehensive services to all the handicapped.
2. Provide the chance for the handicapped to associate to the maximum extent possible with "normal" children.
3. Eliminate the practice of forced labeling of children in order to get the necessary extra costs of their education.
4. Provide parents opportunities to be listened to about the programs to be developed for their children.
5. Offer full due process rights to children and their parents.
6. Establish an extensive monitoring, auditing and accountability program which will furnish relevant data regarding pupil progress and program effectiveness.
7. Establish a financial support program which will reduce the increasingly heavy local assumption of costs which have become commonplace due to inflation and outmoded State support formulas, and the heretofore absence of significant investments by the Federal Government in educational programs for the handicapped.

We have built in a very comprehensive design for evaluation and accountability both at the State level as well as the local school system.

I think one of the things that particularly appeals to us about S. 6 is that it will enable us to collapse, so to speak, our time line, and get services to many more youngsters in a much shorter period of time. We see it coming, as far as California is concerned, at an ideal time, where we can put the resources of the Federal Government, the State government, the counties and local entities, together in a planned, organized way deliver needed services to these young people.

Senator WILLIAMS. Dr. Brinegar, is there anything you would like to add before we go into the questions?

Dr. BRINEGAR. I think, Senator, one of the key points of the California Assembly bill 4040, in addition to the attempt to provide a full range of services to all handicapped youngsters, or those who have severe and pronounced disorders, to those who have relatively mild conditions, is a development of a comprehensive plan requirement at the local level, sometimes by school districts, other times by combinations of districts, other times multicounty units, which will be able to put the comprehensive array of services together to meet every child's needs.

We know it is going to cost a great deal of money to put this into practice. We anticipate getting additional means from the California State Legislature, but there are reasons, of course, why it is important to very speedily get to the point where at least we get all school children in school, and that is one of our goals.

As Dr. Webster indicated, support for this bill and for the interim Mathias amendment, we think, will help us to move these goals a lot closer to us.

Senator WILLIAMS. First of all, gentlemen, the impression, nationally, is that of all the States, the one that has the luxuries and the largest surplus is the State of California. Is that true or false?

Dr. WEBSTER. In terms of school money?

Senator **Williams**. The State overall budget situation. The fiscal situation in California, I am told, is that it is the State with the largest surplus of any State, and, of course, it is the largest State.

The folklore is that you have this great quantity of State surplus money. Then, why is it necessary for Federal money to come into your State on a new program when you are so relatively rich?

That is what the national administration is telling us that the question should be.

Dr. **Webster**. I am somewhat aghast that we have a large surplus. If that is the case, it is not to my knowledge.

I think something else, Senator. I do not know about it, nor is it available to us, because I know when we go before the various committees at the assembly they are very, very careful to see to it that we must account for each cent that we get.

If this surplus is there—and I have heard it alluded to in various amounts—it is not at this time in the thinking of anyone in our Department that it will be made available to education.

I suppose I was not prepared to deal with the surplus question.

Senator **Williams**. You say it is not available to education, but it is available. Therefore, if education is a high priority in the State, it could be tapped if it is to be a priority.

Dr. **Webster**. If the surplus that is being talked about, is there, sir.

Senator **Williams**. I thought it was. Have I been reading different newspapers than anyone else here? Am I the only one who believes that California has a $800 million surplus?

Dr. **Brinegar**. It seems to me that Superintendent Riles would be very interested.

Senator **Williams**. I am dumbfounded.

Dr. **Webster**. I am too. I have heard talk about it because right now we have bills requesting additional funds for education, as a result of the inflation factor that has been so much larger than expected, and I have not seen that the Governor's people have been offering and making these funds available for us, just simply not talking about program expansion but simply to take care of the very dramatic inflation that we are suffering in California, as are other States.

Senator **Williams**. I understand. Professional people tell me that the California master plan for special education should become a classic plan for everbody to look at, and to emulate.

How does this come about in your State? Is this a mandate from the Governor to you in the State department of education?

Dr. **Webster**. No, sir. It was a mandate from our State board, and our State superintendent of public instruction that we develop a comprehensive master plan for special education in California.

Senator **Williams**. You elect a lot of people out there statewide, unlike many States.

Dr. **Webster**. Yes, sir. We elect the State superintendent of education who was reelected 2 weeks ago, and who received approximately 3 million votes, and his nearest competitor received about 350,000.

Senator **Williams**. Then this is his product?

Dr. **Webster**. Yes, sir.

Also, although the State board is appointed by the Governor, they were in entire agreement with State Superintendent Riles and several of our State board participated very actively in appropriation of the master plan.

Dr. **Brinegar.** We have an interesting pattern of services. I am sure this pattern is pretty similar with all other patterns of service to the handicapped which have developed, and I think I have read it in testimony before this committee, that we have a patchwork quilt of services, categories which have been developed independently of each other over a period of years, each with rather stringent regulations as to eligibility.

As a result of that, we have in California some mandatory programs, and we have some permissive programs. In some cases, we have almost an unlimited availability of moneys for certain mandated programs, and in those categories most of the children in the State are being served. But the programs that are permissive usually have limitation of funds that are available.

This has caused an unevenness of services across-the-board to take place. This is one of the reasons why the board and the superintendent gave us the mandate to develop a comprehensive State plan, so that we could create an evenness of opportunity across the State for every kind of handicapped child.

I would like to say something about the money. We have 304,000 children in special education now. We think there are about 170,000 additional children who need to be served. We know there are 48,000 children who have been fully identified by schools who they have not been able to provide programs for.

The State legislature people of California provide about $250 million of money for special education services; local communities expend another $100 million. In order to put this plan across, it is to take, we estimate, about $250 to $260 million to serve the 170,000 additional children that need to be served.

Too big a percentage of these children are out of school youngsters. Of course, the greatest number of children are under educated youngsters who are in school, usually referred to in our program as the educationally handicapped.

This parlance we use covers children with emotional disturbances and neurological handicaps. Large numbers of these children have been identified by the schools that we have not been able to serve.

Our plan takes away quotas, arbitrary limitations of enrollment: In any educational program you have a limit of 2 percent of the population based on very artificial kinds of definitions.

In any event, the schools have identified far more children than they are able to serve.

Senator **Williams.** Why is that limitation there: the quota and the percentage limitation? Is that a money problem?

Dr. **Brinegar.** I suspect the initial beginnings of that program about 12 years ago was the money problem because we were not able to discreetly identify the population. It was a new kind of program.

We talked about children with learning deficits due to neurological handicaps, and it is very difficult to define precisely what those things are, and there was a feeling, "Well, unless we have some ability to define that population a little better than we are able to come up with now, we'd better put in some kind of limit."

So, we have planned to remove that arbitrary limitation and to open it up to all the children who are eligible, and that is where our money bind comes in.

If we have a surplus in California—and I have heard rumors to this effect, myself—we are almost close to doubling just the little program of special education which is big, and yet educationwise it is a small part of the program, and yet we think we will need $267 million, somewhere in that area, in order to fully implement the program to serve all the children, which is the desire of the board, the desire of the superintendent, I think the desire of everybody in California.

Senator WILLIAMS. If my recollection is correct, Mr. Carlucci testified here last week and referred to the January issue of the State Government News by the Council of State Governments. Let me read from this:

> Most States experienced surpluses at the end of fiscal year 1973, improved fiscal conditions, and most States enabled legislatures to pass such measures as tax relief, increased State services, and additional capital projects.

He then said the document shows the largest surplus in California, with $850 million as the surplus figure.

Gentlemen, you have something to work with.

Dr. WEBSTER. I would make two points on that. I heard you ask people to submit further testimony, and I certainly would like to submit it on that $850 million.

I think one part of this, under Senate bill 90, as we call it, which was passed 2½ years ago—again, I was not in the State at the time—part of this was to enable the local taxpayers through the utilization of State funds, to reduce the local tax rate to some degree. Some of that funding may be there available to go back to the local districts to reduce taxes.

So often—and I think it has to be emphasized, particularly in our State at this time—let's say that this money was available hypothetically, and I would like to check exactly how much of it is available and where these statistics are stated, and who gave us the statistics, because I meet with our State department of education executive cabinet, with Mr. Ed Harper, who is our finance man, and he has not been discussing this $800 million as though it were available to us.

At the time of our last conversation, we were supporting bills calling for further funding to ease the unexpected rise in inflation.

One of the things, as you certainly know, Senator, if money is available, many other people have a whack at it, and we have a very powerful group of teachers in the State of California who are constantly pressing for additional salaries, certainly as they should be. We have been impacted by a series of strikes across the State.

One of the things, in terms of this funding, we feel that we are the advocate of these youngsters and this money being made available, but we do know that the money is also available in Senate bill 6, so we are attempting to get substantially additional funds through Senate bill 4040, but in addition to that, I imagine the highway people are trying to get the surplus, the teachers, the prisons—everyone is trying to get a piece of that money, and certainly so are we.

I brought with me for other purposes—but I do have it here—our early childhood education program. If you happened to watch the Today program this morning, Superintendent Riles referred to it.

We have now only 11 percent in our early childhood education. We hope to go to 20 percent next year—we hope to go to $40 million for our early childhood program next year—then to 50 percent and then to 100 percent.

Senator **Williams**. What age is this?

Dr. **Webster**. This is kindergarten through third grade, with some youngsters 4 years old. Again, this was a tradeoff we made, quite frankly, in order to get that funding. We were not able to get sufficient funding for the 4 year olds, so we had to zero that money in through the third grade.

Senator **Williams**. How did this happen to be on the Today program this morning?

Dr. **Webster**. Superintendent Riles just happened to be in New York City, so he was interviewed and he mentioned the early childhood educational program.

Senator **Williams**. I usually watch the program. Unfortunately this morning I was called upon to speak to the Great City School Boards on collective bargaining.

Dr. **Webster**. In the heart of our early childhood education is individualization of instruction, individual diagnosis, individual planning. I do not know that there is an individual plan for each child, but we do have an individual plan for every one of our schools in our early childhood education program that we, in Sacramento, reviewed at the local level.

Last year, members of our staff visited about 98 percent of our early childhood education programs throughout the State of California, and I think we are building the skills in terms of the diagnostic, prescriptive approach to learning across-the-board. I think the really exciting thing for me, again, coming to California, has been the fact that we have had parents and teachers and youngsters working together with administrators on these individual plans, so, in addition to what we are doing in special education, we are building these skills and competences across-the-board with our administrators, teachers, and, again, so excitingly, with our parents.

I think if I just may develop that position a little more, California is most unique in its accessibility to parents. Our State board meets once a month all over the State in order to attract different groups of parents. Our State board arranges its time so that committees of the board are available to parents.

Last week, as we were developing our application and approval processes for title I in our own educationally disadvantaged youth, we had, I would say, about 300 or 400 parents in attendance as the State board considered the approval of these projects.

So, again, coming back to the work of the special education area, we also have this kind of parent involvement as well as teacher and principal involvement, so that I think this is a unique flavor that we have, at least to my knowledge, in California.

Senator **Williams**. You describe a most promising educational atmosphere, yet you have mentioned many strikes across the State. Were these in the school system?

Dr. **Webster**. Yes, sir.

Senator **Williams**. That seems to be a little out of joint with the happy relationship that you have described of parents, teachers, administrators in this area of special education.

Dr. **Webster**. It does sound contradictory, but I have been in schools in districts about to go on strike, and the teachers and administrators and parents were working as if it was not there.

I think it seems to be a facility that people have to compartmentalize their attitude and not make the connections.

I had the good fortune of working in New York City for 2 years which allegedly is the heartland of unionism in teachers, and I worked with teachers there and found exactly the same attitude. They seem to be able to differentiate the responsibilities to children and their consideration of strikes. I do not have any good answer for that, but I have seen it happen.

Senator WILLIAMS. I am just trying to come to the formulation of some kind of conclusion as to whether a little order under law might take care of the economic or other questions that are causing strike situations. That is what I was talking about this morning. I hope we will have an organized system in this collective-bargaining situation. Frankly, it is not now a collective situation, because it is not under law. It does not have to be.

This is another subject, I know, but you prompted me to think about it when you talked about strikes across the State, and then described what I consider the best of the educational scene, in terms of all the interested and knowledgeable people struggling together for answers in this area.

There is one point on which I had a specific question. When you described the master plan, point 3, eliminating the practice of forced labeling of children in order to get the necessary extra costs of their education. I just plain do not understand.

Labeling is a bad word, but there certainly has to be an identification.

Dr. BRINEGAR. Senator, we may be treading on some slightly new ground within the proposal of the California master plan for special education.

We are very much concerned about the categorization of moneys and the ability to track that money in terms of its utilization for the handicapped only.

At the same time, as you probably know, we have a great many problems in California, and I think across the Nation, in some of the categorical areas, particularly in the educable, but mentally retarded area, and particularly as that relates to ethnicity.

Of course, with our rather heavy population of Mexican-American and black, there has been frequent allegations of improper placement in programs, bad practices in terms of identification of youngsters, yet nobody denies the need for individualized, particularized, special programs for those youngsters.

We had to struggle with that for a long time, and I suspect we will be struggling with it for quite some time yet, but one of our attempts was to try to do away with need to track the money down through specific programs which sometimes ease children out because they do not quite fit the categories of classifications.

We wanted to track the money by referenced individuals with exceptional needs and have one classification and utilize during an interim period some of the necessary terms that we use traditionally in special education for years to get us over that period of time when teachers are concerned and parents are concerned—"What are you people trying to do with this master plan? Will we not lose the special purpose moneys?"

So, in this proposal, we talk about individuals with special needs, and they say a report for data purposes for children with learning handicaps, children who have communication disorders, report data on children who have severe disorders, and physical handicapped conditions.

But, we will not program by that. Apparently, we force schools to program by labels. That is not necessary. We want to operate programs on the basis of services.

And, when we talk about special classes, we know there are some children who have very severe problems who are going to need a very intensive, full-time education placement. We do not think we need to do it by saying these children are mentally retarded, that we ought to be able to do it by figuring out how the child learns, how he functions, and there may be two or three kinds of children who may at a given moment in time be operating the same educationally.

That is how we hope to be able to serve the categorical purpose of that money. We think we can do that, but, at the same time, we can provide the services of children's needs, but without attaching labels and categories in actual program practice.

That is difficult, but we think that is very worthwhile in terms of the parent problems that they face, with the label following a child sometimes throughout his whole life. We are struggling with that, and we are testing that out in some experimental programs which we have authority to do.

We are using some title VI moneys now to operate some mainstreaming kinds of programs, some cutting across of the categories, although we identify the children—we have to in order to get the State moneys and the Federal moneys to do it.

So, we will continue to report these schools on the basis of how they identify the youngsters, and that they will program, we hope, on a cross-category basis.

Senator WILLIAMS. Is this described in any written way that we can have for our records?

Dr. BRINEGAR. I think we have some copies of 4040 which I think does that fairly well.

Senator WILLIAMS. On the distribution of State moneys through the school districts for special education, is this an excess cost basis of distribution or is it not?

Dr. BRINEGAR. In a sense it is. We talk about class allowances. We have figures, that is, specific dollar amounts, that the State provides to schools on the basis of *x* dollars, which is a class allowance for different kinds of youngsters.

That class allowance takes into consideration the general school foundation program, and the formula provides for an excess cost. We do not use the term. We use the special class allowance terminology, but it provides for the excess cost of special education.

That is a real problem in description. We have it in gross terms, that is gross dollars. A very specific, finite breaking down of the total expenditures would be very difficult to do with a good figure on it.

We have gross figures on excess costs that are readily available. I am not quite sure those are totally reliable because of some problems in breaking up costs whenever a local school pays for more than the State provides.

Our accounting system does not always provide for the full coverage of the cost figures when they pull it from general education to pay for some of the excess costs of educating these children. It is a peculiarity of the system, and I think that is a nationwide problem.

Senator **Williams**. I am told that you have a plan for in-service and other training for personnel. I wonder if you would describe this to us. Who is in charge of that?

Dr. **Brinegar**. I will speak to that. We recognize that when we move into an era in which we serve more and more of the handicapped in the regular program with supplemental assistance, that this is going to call upon the regular class teacher to particularize her instruction a little bit better and to individualize a little bit more.

We have not really been able to work out all of the details of how we will get that job done, but we plan to utilize all of the moneys available to us under title VI–D, Education of the Handicapped Act, Manpower Training Program, to attempt to realize the intentions, the purposes of the proposed master plan, which is in our legislature right now.

Particularly important is the retraining of regular classroom teachers because we know that is going to be the biggest job, because that is where the greatest majority of children come in.

Utilizing those moneys, along with some of the moneys of county school offices, can provide for inservice education.

We feel that we have a start, at least, in the in-service education programs to serve these children.

With the severely and profoundly handicapped, we have many fewer children, of course, to be served. It is significant that the numbers are not nearly so large. There are projects under way in California in terms of helping teachers of this group of children.

We also have more and more a core of teachers available who are trained. We have reached pretty well a meshing of the supply and demand situation for the first time, in which the teachers who are trained are coming out of colleges and finding a difficult time getting jobs. And we are finding a lot of the younger teachers who are just moving out with pretty good training who are more and more in good supply.

With the provision of some inservice education, I believe it is very possible quickly to get the out of school, severely handicapped, particularly the retarded children. We have a much bigger problem when we get into the seriously emotionally disturbed, where we do not know, really, where they are.

They have been booted out of school because of severe behavioral disorders. This is going to be a hard problem in order to identify and then build the teacher-training programs to meet those particular youngsters' needs, but the retarded child and severely orthopedically handicapped child we have tabs on, as to where they are in California.

We plan to, within the next 2 or 3 years, get those children in. We would like to get them all in this fall. The schools indicate they could do it if they could have the money.

That is our number one target.

Dr. **Webster**. So often in programs such as this people will say, "You do not have the teachers prepared to do the job, therefore there is no use allocating the money."

Then we talk to the school people and they say, "You know we have no assurance that the money is going to be forthcoming, therefore why should the university develop the programs? Why should the districts develop the programs?"

We come to a kind of impass. So I think with the decreasing enrollment in some of our school systems, we would have some very qualified people who will be looking for something to do.

In Los Angeles, they came very close to having to let go about 750 teachers this year. Another school district had to discharge about 78 teachers. This is a disallocation of youngsters, you might say, causing some schools districts to have to cut back on staff.

So, we will have a pool of personnel. I think the important fact Dr. Brinegar alluded to was that so often it is the older teachers with tenure who stay on, and some of the younger people now coming out of school have no place to go.

We do now have a talented pool, and we will need some of the financial help in order to develop the programs of training. This has been, again, an integral part of the consideration in the development of the master plan, that these needs would be there, so it is something we have been giving some serious thought to over the time.

Dr. **Brinegar.** Our colleges and universities are moving rapidly toward trying to step into the breach, in terms of inservice education, particularly as they have watched the master plan slowly evolve and develop. They feel it is coming sooner or later, and they have made some changes, and they are ready to do a lot more work in working with the school systems in the inservice education programs.

I think this will be a big boon to us.

Dr. **Webster.** Just one closing point. One of our colleagues has received word that the current estimate of the surplus is $200 million, so $600 million seems to have melted in the spring sun.

I suppose you must understand our feeling about these ephemeral dollars out there, that we are not sure even if we are going to be able to get a crack at them, and, again, particularly for these children and their parents who need it so much.

Senator **Williams.** Thank you very much. It has been excellent testimony. We do have questions that we will submit in writing.

[The prepared statement of Dr. Webster and the questions referred to follow:]

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Statement by William E. Webster, Associate Superintendent for Programs, California State Department of Education, to the Senate Sub Committee on Education of the Committee on Labor and Welfare

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Mr. Chairman and members of the Committee: In the State of California ~~we have identified~~ there are approximately 463,000 children who are handicapped to the degree that they need special services in order for them to have productive and satisfying lives. At this time we are only bringing services to 300,000 of these young people. The awareness of this gap in services prompted the State Superintendent of Public Instruction, Dr. Wilson Riles, and the State Board of Education, to direct the California Commission on Special Education to develop a Comprehensive Master Plan.

Their charge was to devise a plan that would assure that each handicapped youngster in the state would receive adequate services that would enable him, to the best of his ability, reach the highest levels of achievement and life satisfaction. This Master Plan, involving participation of thousands of parents, students, administrators, the public, school district personnel, and State Department of Education staff, was adopted by the California State Board of Education on January 10, 1974.

Immediately upon this approval work was begun upon the drafting of state legislation, now known as California Assembly Bill 4040, and on ways to implement the plan in the most expeditious manner possible. Our projection is that through our own resources we will be able to serve all these youngsters by 1980.

With the passage of S.6, which calls for initiation, expansion, and improvement of programs, we feel that through a meshing of state and federal efforts, we will be able to speed up delivery of improved services to these youngsters by as much as two years.

The fundamental issue of the Master Plan is education for all children, regardless of differences in abilities. The plan calls for legislation to mandate programs for every single handicapped individual of school age, and further calls for mandated public education for every single severely handicapped child of age 3 and up.

The California Master Plan, similar to S.6, further provides that pupils with special education needs should be designated as 'individuals with exceptional needs.' This designation should include only those pupils whose educational needs cannot be met by the regular classroom teacher with modifications of the regular school program, and who will benefit from special instruction and/or services.

For the purposes of data collecting and reporting, schools would report services to children who are communicatively handicapped, physically handicapped, learning handicapped, and severely handicapped. Programs and services provided by all schools are to be described in a written comprehensive plan which will be reviewed and approved by the State Board of Education. The comprehensive plan will describe how children are to be served on the basis of their educational needs, not their medical disabilities as is now the case.

About 850 of California's 1,050 school districts provide some education for handicapped youngsters but few offer the comprehensive services envisioned by S.6 and California Assembly Bill 4040. The basic philosophical intentions contained in California's Master Plan proposal, which we believe coincide with those of Senate Bill 6, include:

1. Require schools to provide comprehensive services to all the handicapped.
2. Provide the chance for the handicapped to associate to the maximum extent possible with "normal" children.

3. Eliminate the practice of forced labeling of children in order to get the necessary extra costs of their education.
4. Provide parents opportunities to be listened to about the programs to be developed for their children.
5. Offer full due process rights to children and their parents.
6. Establish an extensive monitoring, auditing and accountability program which will furnish relevant data regarding pupil progress and program effectiveness.
7. Establish a financial support program which will reduce the increasingly heavy local assumption of costs which have become commonplace due to inflation and outmoded state support formulas, and the heretofore absence of significant investments by the federal government in educational programs for the handicapped.

We want to call your attention particularly to the financial problems we will face in attempting to implement full service to all the handicapped in California. We are sure these same problems are shared by all other states.

In 1972-73, California served 304,360 handicapped pupils and the people of the state contributed 250.0 million dollars toward the program. One hundred million dollars was contributed by local schools.

In 1972-73, school districts reported 48,000 children on their waiting lists for services. We believe that a systematic seeking out of the full need would reveal that we should be serving a total of 170,000 additional handicapped children. As said earlier, we hope to provide services to all our handicapped children within a few years. We want to serve the severely handicapped children who are out of school within 1 to 3 years. We are working very hard to obtain the necessary money through the State Legislature and we are confident in getting some assistance to do the job, but federal help could speed up the process. We believe it will take another 267.0 million dollars to add all the handicapped children into the program, including services early in life to the severely handicapped.

Currently, nine groups of school districts are field testing concepts of the proposed legislation under support of federal EHA Title VI, Part B funds. These agencies will help shape program needs, costs, and other data, and will develop information, procedures and products which will enable them to act as models so that full implementation of the Master Plan can be demonstrated for later replication by other school districts.

New mandates to provide services to previously unserved children have come as a result of recent decisions by the courts. Pending litigation promises to accelerate this demand, placing new requirements, responsibilities, and fiscal obligations on local, state and national agencies and resources.

Expansion of local education programs to accommodate currently unserved children is very costly as evidenced by other testimony before this subcommittee. As public demand for equivalent education increases, greater numbers of seriously handicapped children are discovered, while at the same time educators are called upon to provide improved, full-range services to those already in programs. The array of instructional equipment and materials available to the classroom teacher also escalates. Coupled with inflation and other factors, it is becoming more and more difficult for educational agencies to maintain successful, quality programs, yet still move forward to explore new avenues which may hold promise for improved practices. Senate Bill 6 would assist in meeting this problem.

One of our greatest needs is for the inservice training of regular teachers so that they may become more competent in teaching handicapped children who are to be integrated into regular classrooms under the provisions of the proposed state legislation relating to the Master Plan. Senate Bill 6 could help make this possible.

Members of your committee heard testimony on June 17, 1974, from Dr. Ray Peterson, representing the Council of Chief State School Officers. He brought to your attention certain concerns and suggested modifications applicable to S.6 which we substantially endorse. We have a suggestion in reference to the "related services" definition. In order to properly search out, identify, assess and place handicapped children on the large-scale basis which will be required, it may be desirable to retain sufficient flexibility to enable educational agencies to accomplish those activities which are related to education that other agencies cannot accommodate. This might require a system of sign-offs. For example, funds intended for educational use would not be expended for medical diagnosis unless all alternate avenues of support were first investigated, requested, and denied, with backup documents to confirm nonparticipation. Such a requirement would force multiagency planning and improve coordination among units which have separate concerns and diverse areas of responsibilities for handicapped individuals.

We in California support and commend your efforts to provide significant federal commitment and the leadership which is a necessary ingredient for the improvement of programs and services to children with handicaps.

In summary, acceptance by Congress of interim assistance under the Mathias amendment, followed by passage of S.6:

1. Will enable the states and local school districts to match federal, state and local tax funds to bring closer the day when all the handicapped are being served;
2. Will enable the schools to dramatically improve the quality of services for those children now in special education and those youngsters to be added by means of these measures;
3. Will help us to develop teacher training programs both for the regular teachers who must learn to serve handicapped children better, and for those new teachers who must have improved training in order to serve the severely handicapped and the profoundly handicapped persons not currently in school; and,
4. Will give local school boards and state departments of education a sorely needed financial shot in the arm so necessary in this period of inflated costs of school operation.

WILSON RILES
Superintendent of Public Instruction
and Director of Education

STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

BILL ANALYSIS

ASSEMBLY BILL NO. 4040 (Lanterman)
CALIFORNIA MASTER PLAN FOR SPECIAL EDUCATION

Assembly Bill No. 4040 by Assemblyman Lanterman implements a California Master Plan for Special Education designed to provide a high quality educational program to all of the State's mentally and physically handicapped children. The proposal was developed by the Department of Education in cooperation with over 2,000 teachers, administrators, parents, and students from throughout the State who worked cooperatively to identify the strengths and weaknesses of the existing special education system.

WHY A SPECIAL EDUCATION MASTER PLAN?

California has been a nationwide leader in providing educational programs for mentally and physically handicapped children since 1860 when the State's special school for the deaf and blind was established in Berkeley. In recent years, however, the State has not kept pace with the need to improve the quality of programs. Major problems with the existing special education system can be summarized as follows:

1. There are 48,000 handicapped children with special needs on waiting lists who are eligible to participate but are not being served. In addition, it is estimated that twice that number are in need of service but have not yet been identified.

2. Children in existing programs are subject to a rigid labeling system which emphasizes their particular handicapping condition (for example, trainable mentally retarded or orthopedically handicapped) rather than educational needs.

3. Handicapped children are too frequently isolated from normal children of their own age, thereby limiting in capacity to function in society.

4. There is no clear definition of the responsibilities for special education at the state, county, and local levels.

5. State support to local districts has not been adjusted since 1967 resulting in either an ever increasing local property tax burden or erosion of the quality of the program.

MASTER PLAN RESPONSE

The master plan for special education is built on the following concepts:

Service to All

The master plan for special education states unequivocally that all mentally and physically handicapped children, like all normal children in California, have the right to appropriate educational programs.

Delabeling

The existing 28 separate categories will be eliminated. Each child participating in a special education program will be recognized as an individual with exceptional needs and school districts will be required to design programs to meet their needs.

Decategorization

Support to special education programs will no longer be based on the handicapping conditioning but on the type of educational program which is determined most appropriate to the individual.

Mainstreaming

Emphasis in local programs will be on integrating handicapped children, to the extent feasible, into the regular instruction program.

Regionalization

Service to handicapped children will be organized through a local, comprehensive plan which will be established by school districts either individually or in cooperation with other districts or the county office of education. This will assure the broadest possible range of educational service.

State Support

State assistance to the special education program will be increased to reflect the most recently reported statewide average costs. In future years, allowance will be adjusted to reflect the impact of inflation.

STATEWIDE PHASE IN

Assembly Bill No. 4040 does not call for the changes in the special education system outlined above to take place overnight. It represents the first phase in a long-range effort to restructure the program. The steps in this first phase would be as follows:

YEAR	ACTIVITY	ADDITIONAL COST
1974-75	Comprehensive planning, in-service training and program development for 5-8 regional units	$300,000
1975-76	Implementation in the original planning areas and planning for 5-8 additional units	$10,300,000 - Additional cost
1976-77	Implementation in the 5-8 additional areas	$10 million (Department of Education budget)
1977-78	Legislative review and evaluation of the efforts to make and plan for statewide implementation	-0-

This measure is proposed by the State Board of Education and has the endorsement of major educational groups throughout the State.

AMENDED IN ASSEMBLY JUNE 17, 1974
AMENDED IN ASSEMBLY MAY 23, 1974

CALIFORNIA LEGISLATURE—1973–74 REGULAR SESSION

ASSEMBLY BILL No. 4040

Introduced by Assemblyman Lanterman

April 24, 1974

REFERRED TO COMMITTEE ON EDUCATION

An act to add Chapter 11 (commencing with Section 7000) to Division 6 of, and to add Sections 17303.7, 25656, 25906, and 26405 to, the Education Code, relating to educational programs for individuals with exceptional needs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 4040, as amended, Lanterman (Ed.). Special education.

Creates new program for providing educational services for individuals with exceptional needs, as defined.

Requires the State Board of Education to establish a California Master Plan for Special Education. Requires Superintendent of Public Instruction to administer the program.

Authorizes county superintendents of schools with the approval of the county board of education, to submit to the Superintendent of Public Instruction a local comprehensive plan, as defined, for the education of all individuals in the county with exceptional needs, except for those individuals served by districts within such county pursuant to a district prepared local comprehensive plan, in order to obtain assistance from the Superintendent of Public Instruction for programs or services for such exceptional individuals.

Requires county superintendent of schools to perform various prescribed review and submission functions re plans formulated within county.

Authorizes school district governing boards to elect from specified alternatives in order to receive assistance from the Superintendent of Public Instruction.

Provides for elements of local comprehensive plans and programs, including a procedure for testing and placement of individuals and an appeal procedure from determinations and findings as to appropriate placement.

Specifies that no pupil may be required to participate in any special class or program unless the parent or guardian first consents in writing after first being informed of the facts which make such participation necessary or desirable.

Establishes a resource specialist program and an educational assessment service with specified duties in connection with programs provided for individuals with exceptional needs.

Requires each participating responsible local agency to submit at least annually a report to include specified information to the Superintendent of Public Instruction, in a form and manner prescribed by him.

Requires the Superintendent of Public Instruction to submit to the State Board of Education, the Legislature, the Governor, the United States Office of Education, and each responsible local agency an annual evaluation of special education programs.

Requires the Superintendent of Public Instruction to review and conduct onsite audits of each approved program.

Requires the Superintendent of Public Instruction to make apportionments from the State School Fund, in various specified amounts, for support of programs.

Requires the Superintendent of Public Instruction in conjunction with the California School for the Deaf, the California School for the Blind, and diagnostic schools for neuorologically handicapped children to provide certain services to individuals referred to such schools pursuant to this act.

Requires expenditure of $28,600,000 from the State School Fund for the 1975–76 fiscal year for the purposes of this act.

Authorizes county superintendent of schools to levy a property tax for support of programs conducted by him under a comprehensive plan, such tax not to exceed the amount by which program expenditures exceed state support for pupils in the program. Provides that such tax is in lieu of taxes which the county superintendent is otherwise authorized to levy for the support of special education programs conducted by him.

Appropriates $300,000 for the 1974–75 fiscal year and $10,000,000 for the 1975–76 fiscal year, from General Fund to the State School Fund for purposes of this act and appropriates $150,000 for the 1974–75 fiscal year and $300,000 for the 1975–76 fiscal year from General Fund to Department of Education for purposes of this act.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 7000) is added to Division 6 of the Education Code, to read:

CHAPTER 11. EDUCATIONAL SERVICES FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS

Article 1. General Provisions

7000. The Legislature finds and declares that the current range of educational programs for individuals with exceptional needs has developed over time in response to the specific needs of identifiable groups. These programs were established without particular regard to gradations in the severity of disabilities among individuals in such programs. Consequently, there are 28 separate programs for individuals with exceptional needs which tend to segregate them on the basis of their disabilities. Many individuals with exceptional needs are not served by any existing program with the result that they are either inappropriately placed in one of those programs or they are excluded from receiving any educational program or service. Moreover, some existing programs for individuals with exceptional needs are statutorily permissive so that some who would otherwise be eligible do not have access to such programs.

7001. The Legislature finds and declares that all individuals with exceptional needs have a right to participate in appropriate programs of publicly supported education, and that the existing educational programs for these persons are in need of revision in order to assure them of this right to an appropriate educational opportunity.

It is the further intent of the Legislature that such pupils be returned to the regular class when special education services are no longer needed.

Furthermore, it is the intent of the Legislature that the comprehensive restructuring of current educational programs for individuals with exceptional needs required by this chapter should be systematically implemented in a limited number of school districts or counties of the state during fiscal years 1975–76, 1976–77, and 1977–78. Thereafter, statewide implementation of this chapter ~~will~~ *shall* be determined by the Legislature.

Therefore, the Legislature hereby authorizes the Superintendent of Public Instruction to implement and administer, under a master plan adopted by the State Board of Education, an alternative program to better meet the educational requirements of individuals with exceptional needs. This alternative program shall provide that:

(a) Each individual with exceptional needs is assured an education appropriate to his or her needs through an individually developed plan in publicly supported programs.

(b) Early educational opportunities are available to children between the ages of three and five who require intensive service in special programs.

(c) Early educational opportunities may be made available to children younger than three years of age who require intensive service in special programs at the discretion of local educational agencies.

(d) Education programs are provided under an approved plan for special education which comprehensively sets forth the elements of the programs in accordance with the provisions of this chapter.

(e) Individuals with exceptional needs are offered special assistance in a program which promotes maximum interaction with the general school population in a manner which is appropriate to the needs of both.

(f) Educational programs are coordinated with other public and private agencies.

(g) Continuous evaluation of the effectiveness of these special education programs by the responsible local agency shall be made to insure the highest quality educational offerings.

7002. As used in this chapter, unless the context otherwise requires:

(a) "Board" means the State Board of Education.

(b) "Department" means the Department of Education.

(c) "Individuals with exceptional needs" means all ~~persons who are identified as communicatively handicapped, physically handicapped, learning handicapped, or severely handicapped~~ *pupils whose educational needs cannot be met by the regular classroom teacher with modification of the regular school program, who require the benefit of special instruction and services*, and who are one of the following:

(1) Between the ages of 3 and 4 years and 9 months, inclusive, who have been identified by the educational assessment service as defined by subdivision (b) of Section 7020 as requiring an intensive full-time special education service as defined by the State Board of Education.

(2) Between the ages of 4 years and 9 months and 18 years of age, inclusive, whose educational needs cannot be met by the regular classroom teacher in the regular school program.

(3) Aged 19 or 20 who were enrolled in or eligible for a program under this chapter or other special education program prior to their 19th birthday and who have not

yet completed their prescribed education program. Any such person who becomes 21 years of age while participating in a program under this chapter may be permitted by the responsible local agency to continue his or her participation in the program for the remainder of the then current school year.

This definition does not include persons whose educational needs are due solely or primarily to unfamiliarity with the English language or to cultural differences.

(d) "Local comprehensive plan" means a plan which meets the requirements of Article 3 (commencing with Section 7015) of this chapter and which is submitted by a responsible local agency.

(e) "Parent" or "guardian" as used in this chapter includes any person having legal custody of a child. "Parent" or "guardian," in addition, includes any adult pupil for whom no guardian has been appointed and the person having custody of a minor if neither the parent or legal guardian can be notified of the educational actions under consideration.

(f) "Responsible local agency" means the school district or office of the county superintendent of schools designated in the local comprehensive plan as the agent responsible for the administration of the plan.

(g) "Special education" means programs or services designed to meet the educational requirements of individuals with exceptional needs. *Communicatively handicapped programs serve those pupils with disabilities in one or more of the oral communication skills such as listening and speaking. Physically handicapped programs serve those pupils with physical disabilities such as vision, mobility, orthopedic and other health impairments. Learning handicapped programs serve pupils with significant disabilities in learning or behavior such as learning disabilities, behavior disorders, and educational retardation. Severely handicapped programs serve pupils with profound disabilities and who require intensive instruction and training such as the developmentally handicapped, trainable mentally* *retarded, autistic, and seriously emotionally disturbed.*

(h) "Superintendent" means the Superintendent of Public Instruction.

7003. This chapter shall apply, and the following sections shall not apply, to districts and counties to the extent of an approved comprehensive plan and the programs conducted thereunder: Section 821; Section 885.9; Article 9 (commencing with Section 894) of, and Article 10 (commencing with Section 895) of, Chapter 4, Division 3; Chapter 7.1 (commencing with Section 6750) of, Chapter 8 (commencing with Section 6801) of, Chapter 8.2 (commencing with Section 6870) of, Chapter 8.7 (commencing with Section 6880) of, Chapter 9 (commencing with Section 6901) of, and Chapter 9.5 (commencing with Section 6931) of, Division 6; Section 8052; Section 8053; Section 18060; Section 18060.2; Section 18062; Article 11 (commencing with Section 18101) of Chapter 3, Division 14; and Division 24 (commencing with Section 36000).

7004. Except as provided in paragraphs (2) and (3) of subdivision (c) of Section 7021, every individual with exceptional needs, as defined pursuant to Section 7002, who is eligible to receive such educational services authorized under this chapter is entitled to educational programs or services free of charge in the public schools of this state.

Article 2. Administration

7005. The State Board of Education shall:

(a) Establish and periodically update the California Master Plan for Special Education.

(b) Adopt rules and regulations necessary for the efficient administration of this chapter.

(c) Adopt criteria and procedures for the review and approval of local comprehensive plans submitted under ~~Section~~ *Sections* 7008, 7009, and 7010.

(d) Approve local comprehensive plans for a period not to exceed three years.

(e) Adopt criteria and procedures for the evaluation of all educational programs and services provided under the California Master Plan for Special Education and report annually thereon to the Legislature and the Governor.

(f) Recommend to the Commission for Teacher Preparation and Licensing standards for the certification of teacher personnel for special education programs conducted pursuant to this chapter.

(g) Make recommendations to the Department of Health and out-of-school agencies to assure an appropriate education for individuals with exceptional needs consistent with the standards applicable to the public schools.

7006. Any responsible local agency in its application for approval of a plan, may request the board to grant a waiver of the provisions of any sections of this code except Sections 7004, 7015, 7021, 7022, 7022.2, 7023, and 7027, or Article 5 (commencing with Section 15501) of Chapter 2, Division 11, if such waiver is necessary to establish and operate a special education program.

The board, after considering the recommendation of the superintendent, may grant, in whole or in part, any such request when the facts indicate that failure to do so would hinder the implementation or maintenance of the special education program.

7007. The superintendent shall administer the provisions of this chapter and shall:

(a) Grant preliminary approval of the organization of the local comprehensive plans within each county.

(b) Review and recommend to the board for approval, local comprehensive plans developed and submitted in accordance with this chapter.

(c) Encourage experimentation and innovation in the field of special education at the school, district, county, and state levels.

(d) Monitor the implementation of local comprehensive plans by conducting onsite audits as appropriate.

(e) Encourage the maximum practicable involvement of parents and guardians of children enrolled in special education classes.

(f) Make recommendations in the areas of in-service training for teachers and teacher aides, curriculum, testing and testing mechanisms, and the development of materials for special education classes.

(g) Prepare for board approval as necessary, any state plan required by federal law in order that this state may qualify for any federal funds available for the education of individuals with exceptional needs.

(h) Maintain the state special schools in accordance with Division 19 (commencing with Section 25551) so that such schools may supplement the services of responsible local agencies.

(i) Develop in accordance with Section 7026 an annual evaluation report of special education programs authorized under this chapter for submission to the board.

(j) Apportion funds in accordance with Article 5 (commencing with Section 7035) of this chapter and approved local comprehensive plans.

(k) Assist districts and counties in the development of local comprehensive plans under this chapter, and resolve differences between them on aspects of the local comprehensive plan.

(*l*) Assist districts and counties in the improvement and evaluation of their programs.

(m) Provide review to any parent, guardian, or adult pupil who is denied educational services under this chapter as provided in subdivision (b) of Section 7023.

7008. Each county superintendent of schools may:

(a) With the approval of the county board of education, submit to the Superintendent of Public Instruction a local comprehensive plan for the education of all individuals in the county with exceptional needs except for those individuals served by districts within such county pursuant to a district prepared local comprehensive plan. Any such plan may include more than one county and districts in more than one county. Such plans shall meet the requirements of local comprehensive plans set forth in Article 3 (commencing with Section 7015) of this chapter.

(b) Carry out any responsibility assigned to him pursuant to a local comprehensive plan.

7009. The county superintendent of schools shall:

(a) Submit to the superintendent, a description of how districts within the county intend to develop local comprehensive plans, if any, together with his comments thereon.

(b) Review any proposed local comprehensive plan submitted by a district, and send it with his comments and recommendations, if any, back to the district within 45 days.

(c) Submit any final district local comprehensive plans to the superintendent with recommendations within an additional 30 days.

(d) Assure that any district plan reviewed by him is compatible with other district plans in the county and any county plan.

(e) Submit any county plan to the Superintendent of Public Instruction.

(f) Review the district's implementation of an approved local comprehensive plan and report thereon to the district and the Superintendent of Public Instruction.

(g) Consider any appeal made to him from a decision of a responsible local agency under subdivision (a) of Section 7023.

(h) Coordinate the development of local comprehensive plans in the county to insure that special education services are provided to all individuals with exceptional needs.

7010. The governing board of a school district may elect to do one of the following:

(a) Adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in the district.

(b) In conjunction with one or more other districts, adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in such districts. Such plan shall designate one of the participating districts ~~shall~~

~~be designated~~ as the responsible local agency to insure that the provisions of the plan are satisfied. Any participating district may perform any of the services required by the plan.

(c) Join with the office of a county superintendent of schools to adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in the district. Such plan may provide that the district perform some of the educational services required by the plan.

7011. In developing a local comprehensive plan under Section 7010, each district shall:

(a) Cooperate with the office of the county superintendent of schools and other school districts in the geographic area in planning its option under Section 7010 and notify the office of the county superintendent of schools of its selection at a time specified by the Superintendent of Public Instruction.

(b) Cooperate with the office of the county superintendent of schools to assure that the plan is compatible with other local comprehensive plans in the county and any county plan of a contiguous county.

(c) Submit to the office of the county superintendent of schools for review any plan developed under subdivision (a) or (b) of Section 7010.

7012. Any county superintendent of schools or governing board of a school district shall carry out the responsibilities assigned to it in a local comprehensive plan, may provide for the education of individual children in special education programs maintained by other districts or counties, and may include within their special education programs children who reside in other districts or counties. Section 10801 shall apply to interdistrict attendance agreements for programs conducted pursuant to this chapter.

Article 3. Elements of Local Comprehensive Plans and Programs

7015. Any local comprehensive plan submitted under this chapter shall:

(a) Provide for seeking out all individuals with exceptional needs residing in the area served by the plan, including preschool and other children not currently enrolled in school programs, the assessment of their exceptional needs, and the planning of an instructional program to best meet the assessed needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Assessment procedures shall also include an educational assessment of the person's development in cognitive, affective, and sensory motor functioning.

(b) Provide for differential grouping of individuals according to their identified needs.

(c) Describe how each of the components set forth in Section 7017 will be made available to meet the needs of all individuals with exceptional needs who are or may be identified.

(d) Include evaluation procedures as set forth in Article 4 (commencing with Section 7025) of this chapter.

(e) Provide for an advisory committee to the responsible local agency composed of parents and guardians, including parents and guardians of individuals with exceptional needs, regular classroom teachers, special education teachers and other school personnel, and representatives of other public and private agencies and persons concerned with the needs of individuals with exceptional needs. The majority of such committee shall be composed of parents and guardians and shall advise the district, county, or other responsible local agency in the development of the local comprehensive plan and the evaluation of programs under such plan.

(f) Describe the procedures for notifying parents of the steps in the assessment procedures pursuant to Section 7021.

(g) Describe how and to what degree the district or county intends to make use of the services offered by the state special schools and how pupils eligible for such services will be identified and referred to such schools.

(h) Set forth program objectives in terms of pupil performance.

(i) Provide for review of decisions as provided in Sections 7022.2 and 7023.

(j) Specify the number and responsibilities of program specialists required as described in Section 7019.

(k) Indicate maximum use of all existing local, state, and federal resources that are available to individuals with exceptional needs.

(*l*) Provide for curriculum development, in-service education, and consultation.

(m) Provide for appropriate qualified staff to fulfill the responsibilities of the plan.

(n) Designate a responsible local agency as the agent of the parties to administer the plan.

(o) Provide opportunities for career development.

7016. Any plan submitted or approved under this chapter may include a preschool project for individuals with exceptional needs who are below the age of three but whose need for services under this chapter meets standards set by the State Board of Education.

7017. In addition to the general requirements of Section 7015, each local comprehensive plan submitted for approval under this chapter shall also include the following program components:

(a) Instructional components:

(1) Special classes and centers which enroll pupils with similar and more intensive educational needs. Such classes and centers shall enroll such pupils for a majority of the schoolday and shall facilitate their interaction with other pupils in the regular school program.

(2) A resource specialist program, as described in Section 7018.

(3) Designated instruction and specific services not normally provided in a regular or special class or by the resource specialist program.

(4) Nonpublic, nonsectarian school services, including services by public and private agencies, provided under

contract with the responsible local agency when such services can more appropriately meet the needs of the pupil. Pupils enrolled in nonpublic schools under this subdivision shall be deemed to be enrolled in public schools for all purposes of Chapter 3 (commencing with Section 17601) of Division 14 and Section 20905.

(b) Supportive components:

(1) Identification, assessment, and instructional planning as described in Sections 7019 and 7021.

(2) Management and support service as defined by the board.

(3) Special transportation services. This includes transportation in special vehicles, transportation for pupils not attending school of residence, transportation to work stations and work-training programs, and providing room and board in lieu of transportation.

(4) Capital outlay to provide equipment and adequate, safe facilities for special education programs.

7018. The resource specialist program shall:

(a) Provide instruction and services for those pupils whose needs have been identified in a written instructional plan developed by the school appraisal team or the educational assessment service and who are assigned to regular classroom teachers for a majority of a schoolday.

(b) Coordinate educational services and guidance to individuals with exceptional needs and their parents or guardians.

(c) Provide consultant services, resource information, and material regarding individuals with exceptional needs to regular staff members and their parents or guardians.

(d) Coordinate with program specialists as described in Section 7019 in establishing, maintaining, and coordinating special education services.

(e) Evaluate pupil progress on a regular basis, revise individual instructional plans as appropriate, and refer pupils who do not indicate appropriate progress to the educational assessment service.

7018.1. (a) The resource specialist program described in Section 7018 shall be under the direction of a resource specialist who is a credentialed special education teacher or who meets standards prescribed by the State Board of Education, who has had three or more years of full-time teaching experience, and who has completed or is enrolled in an advanced preparation program in special education.

(b) Maximum caseloads for resource specialists shall be stated in the local comprehensive plan under standards established by the board.

(c) Each resource specialist shall be provided with one or more instructional aides.

(d) Resource specialists shall not be utilized as regular classroom teachers nor have specific pupils assigned to them for a majority of a schoolday. Resource specialists and aides shall be deemed to be pupil services employees for the purposes of Sections 321 and 17523.

7019. A program specialist is a credentialed special education teacher with advanced training in the education of individuals with exceptional needs and with specialized knowledge of communicatively handicapped, physically handicapped, learning handicapped, or severally handicapped pupils. The progam specialist shall assist the resource specialist and shall consult, coordinate, plan programs, provide curricular resources for, and assess program effectiveness in, the programs for individuals with exceptional needs. The program specialist shall also participate in each school's in-service training, research, program development and innovation of special methods and approaches.

7020. In addition to the requirements set forth in Sections 7015 and 7017, each plan shall also include at least the following levels of identification, assessment, and instructional planning:

(a) A school appraisal team. This team shall consist of the school administrator, resource specialist, designated instruction teachers, and appropriate program specialists. The team shall also utilize the services of the school psychologist, physician, social worker, nurse, counselors, and other pupil personnel workers as needed. The school appraisal team shall provide for a semiannual review of the progress of each pupil, a review of each referral, confer with parents and guardians regarding program recommendations, develop a written instructional plan for each pupil provided special education services, and recommend specific special education program services in their school. The team shall refer to the educational assessment service those pupils who the team has determined require a more definitive assessment, those whose instructional plan has not been effective or those whose parents or guardians have requested such a review.

(b) An educational assessment service. This service shall consist of professional specialists representing health, psychology, social work, speech and language, management services, and diagnostic teaching, and shall perform the following functions:

(1) Review referrals from school appraisal teams and program specialists.

(2) Recommend needed additional assessments.

(3) Develop written instructional goals for each pupil who either has been required to leave the school of his residence, attend special classes or centers, or whose parent or guardian is appealing a school appraisal team decision.

(4) Recommend program components.

(5) Confer with parents and guardians.

(6) Coordinate community resources with those provided by the schools.

(7) Review program recommendations of pupils returning to the district or county from the state schools and hospitals.

(8) Refer selected pupils to the superintendent for further assessment or individual instructional planning in connection with the California Schools for the Deaf or Blind or the Diagnostic Schools for Neurologically Handicapped Children.

7021. (a) Whenever an assessment is to be conducted by a school appraisal team or an educational assessment service, the parent or guardian of the pupil shall be given written notice of the intended assessment at least 10 days prior to its scheduled date. This written notice shall be in ordinary and concise language and in the primary language of the pupil's home and shall fully explain the procedure and objective of the assessment and the facts which make an assessment necessary or desirable. The written notice shall state that no educational placement will result from the assessment without the consent of the pupil's parent or guardian.

The assessment of any pupil referred to a school appraisal team or an educational assessment service shall be completed within 45 days of the referral. Those persons assessing the pupil shall maintain a complete and specific written record of diagnostic procedures employed, the conclusions reached, the suggested course of education or treatment best suited to the pupil's needs, its anticipated duration, and the specific objectives to be attained. Such assessment shall remain confidential and be used only for the administration of the special education programs, including, but not limited to, assuring that each special education program is meeting the objectives for the children assigned to it.

(b) Admission of a pupil to a special education program under this chapter shall be made only on the basis of an individual assessment according to standards established by the board and upon an individual recommendation of either a school appraisal team or an educational assessment service. Section 6902.085 shall apply to pupils admitted to special education programs under this chapter because of their educational retardation. Pupils admitted to special education programs prior to the implementation of this chapter on the basis of procedures and criteria in effect at the time of such admission shall be admitted to programs under this chapter on the same basis as pupils recommended by a school appraisal team or an education assessment service.

(c) The parent or guardian of the pupil shall be notified in writing in ordinary and concise language and in the primary language of the pupil's home, of the findings of the assessment, the recommended educational decision, and the reasons therefor. The notice shall state that:

(1) A conference with the parent or guardian and his or her representative will be scheduled upon request.

(2) If the parent or guardian disagrees with the recommended educational decision, he or she has the right to procure an independent assessment of the child from qualified specialists, as defined by rules and regulations of the board, which assessment will become a part of the pupil's record.

(3) Such independent assessment shall not be at the expense of the district or responsible local agency unless the district or agency agrees to pay the cost thereof.

(4) The parent or guardian has the right to have the recommended educational decision reviewed.

(d) Whenever a pupil transfers into a school district from another school district in which his last enrollment was in a special education program the administrator of a local program under this chapter may place the pupil in a comparable program for a period not to exceed 30 schooldays. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30 schoolday period such interim placement shall be reviewed by the school appraisal team or the educational assessment service and a final recommendation shall be made by the team or service in accordance with the requirements of this chapter. The team or service may utilize information, records, and reports from the admission proceedings of the school district or county program from which the pupil transferred.

(e) Any diagnostic procedure used for placement of individuals with exceptional needs shall be appropriate to the individual's ethnic, cultural, and linguistic background. All such procedures shall be approved by the board. No procedure shall be approved by the board which discriminates against any minority or ethnic group or fails to account for the home experience and environment of minority and ethnic groups.

(f) The board shall adopt rules and regulations necessary to insure that a psychological assessment of pupils admitted to programs under this chapter because of their educational retardation or learning disability is conducted and interpreted by a person adequately trained and prepared to evaluate cultural and ethnic factors.

~~(g) Refer selected pupils to the superintendent for further assessment or individual instructional planning in connection with the California Schools for the Deaf or Blind or the Diagnostic Schools for Neurologically Handicapped Children.~~

7022. No pupil may be required to participate in any special class or program under this chapter unless the parent or guardian of the pupil is first informed of the facts which make participation in the special program necessary or desirable and thereafter consents in writing to such participation.

After consultation with a member of the school appraisal team, such consent may be withdrawn at any time.

7022.1. Whenever a pupil is being assessed by a school appraisal team or an educational assessment service, the parents and guardians shall be notified *in advance of their rights pursuant to Sections 7022.2 and 7023* that they have the right to present information to the team or service in person or through a representative, and to attend and participate in ~~that part of~~ the meeting devoted to recommendations and program planning.

7022.2. (a) Any parent or guardian who disagrees with the findings or recommendations of the educational assessment service regarding the placement or services offered to his or her child, either in its initial evaluation or on its annual evaluation, has the right to request a review as provided for in this section and Section 7023. The purpose of the review shall be to determine whether to: (1) affirm the decision of the education assessment service regarding placement or services offered, (2) modify the recommendations of the education assessment service regarding placement ~~of~~ *or* services offered, or (3) direct the responsible local agency to provide a contractual agreement for nonpublic, nonsectarian school services which are appropriate to meet the exceptional needs of the individual as set forth in paragraph (4) of subdivision (a) of Section 7017.

In the event a contractual agreement is required, payment for the services provided by a nonpublic, nonsectarian school shall be as set forth in subdivision (e) of Section 7035, plus general foundation support and any amount allowed the individual for special transportation services pursuant to subdivision (h) of Section 7035.

While such review is pending, unless the responsible local agency and the parent or guardian agree otherwise, the pupil shall remain in his or her then current program or, if applying for initial admission to a public school, shall ~~be placed in a regular school program.~~ *, with the written consent of the parent or guardian, be placed in the program recommended by the educational assessment service until the review is completed.*

(b) The parent or guardian ~~must~~ *shall* notify the superintendent of the responsible local agency within 30 days following receipt of the written decision of the educational assessment service if he or she intends to seek a review of such decision.

(c) The hearing before the superintendent of the responsible local agency or his designee shall be held within 30 days following receipt of such notice from a parent or guardian at a reasonable time and place, with at least two weeks notice to the parent or guardian of the date, time, and place of the hearing, and such hearing shall be recorded.

The notice shall state that the parent or guardian has the right to represent himself or herself, or to select a representative, to have an interpreter present if necessary, to have access to all relevant school records, notwithstanding Section 10751, to present additional written or oral evidence, to call witnesses and to request the presence of and question any person involved in the evaluation procedure and placement decision.

~~(c)~~ *(d)* Within 15 days after submission of all evidence and argument, the superintendent of the responsible local agency shall render his decision.

When the decision is rendered the parent or guardian shall be given written notice of the decision in ordinary and concise language and in the primary language of the pupil's home. The notice shall state that if a parent or guardian disagrees with the decision, the parent or guardian has a right to a further review.

7023. Any parent or guardian who disagrees with the finding, recommendation, or decision of a superintendent of a responsible local agency may petition for a review, within 30 days following receipt of the decision of the responsible local agency, to the Superintendent of Public Instruction whose decision shall be final. The Superintendent of Public Instruction shall afford the parent or guardian an opportunity to present an oral or written argument, or both, within 30 days following receipt of the appeal. Within 15 days after such argument, the Superintendent of Public Instruction shall render a written reasoned decision based upon the pupil's entire record, transmit a copy of the decision to the parent or guardian, and inform the parent or guardian of the effective date of the decision.

Article 4. Evaluation, Audits, and Information

7025. Each responsible local agency shall submit to the Superintendent of Public Instruction at least annually a report in a form and manner prescribed by the superintendent. Such reports shall include that information necessary for the superintendent to carry out his responsibilities described in Section 7026 and such other statistical data, program descriptions, and fiscal information as the superintendent may require.

7026. Under the criteria and procedures adopted pursuant to subdivision (e) of Section 7005, the Superintendent of Public Instruction shall submit to the State Board of Education, the Legislature, the Governor, the United States Office of Education, and each responsible local agency an annual evaluation of the special education programs implemented under this chapter. This evaluation shall include:

(a) The degree to which the responsible local agency has served all individuals with exceptional needs.

(b) The degree to which the responsible local agency has integrated individuals with exceptional needs into the general school population, and the impact of such integration on individuals with exceptional needs and the rest of the student body.

(c) The extent to which individuals with exceptional needs met the objectives set for them in written instructional plans.

(d) A general assessment of the relative effectiveness of programs conducted under this chapter compared to special education programs not conducted under this chapter.

(e) The overall capability of the responsible local agency to implement the local comprehensive plan as approved by the State Board of Education.

Based on these annual evaluations the Superintendent of Public Instruction shall make recommendations to the Legislature on or before January 1, 1978, regarding the extension of the provisions of this chapter to all special education programs conducted in California.

7027. The annual reports required under Sections 7025 and 7026 shall also identify the numbers of individuals with exceptional needs, their racial and ethnic data, and the special education programs in the following classifications and subclassifications as further defined by the State Board of Education:

(a) Communicatively handicapped, including deaf, deaf and blind, severely hard of hearing, severely language handicapped including aphasic, and language and speech handicapped.

(b) Physically handicapped, including blind, partially seeing, orthopedically handicapped, and other health impairments including drug dependency and pregnancy.

(c) Learning handicapped, including educationally retarded and learning disabilities and behavior disorders.

(d) Severely handicapped, including developmentally handicapped, trainable mentally retarded, autistic, and seriously emotionally disturbed.

7028. The superintendent shall periodically sponsor or conduct workshops and seminars for the education of district or county personnel assigned to and responsible for the evaluation of local special education programs.

7029. The superintendent shall review and conduct onsite audits of each program approved under this chapter. In performing such reviews and audits, the superintendent may utilize the services of persons outside of the department chosen for their knowledge of special education programs.

Article 5. Funding of Special Educational Programs

7035. The superintendent shall apportion from the State School Fund to each responsible local agency, the following allowances for the fiscal year ending June 30, 1976:

(a) For each special class, the sum of seventeen thousand five hundred dollars ($17,500).

(b) For each special center for the severely handicapped, the sum of seventeen thousand five hundred dollars ($17,500) per class.

(c) For each resource specialist program, the sum of twenty thousand four hundred forty dollars ($20,440).

(d) For designated instruction and services, the sum of twenty dollars ($20) per instructional hour per specialist.

(e) For nonpublic school services, the maximum sum of one thousand four hundred sixty dollars ($1,460) per pupil enrolled in a nonpublic school.

(f) For identification, assessment and instructional planning, the sum of one hundred dollars ($100) per pupil enrolled in special education services, apportioned as follows: educational assessment services at seventy dollars ($70) per pupil; and program specialists at thirty dollars ($30) per pupil.

(g) For management and support services, the sum of fifty dollars ($50) per pupil enrolled in special education services, apportioned as follows: instructional materials at fifteen dollars ($15) per pupil; equipment at fifteen dollars ($15) per pupil; evaluation services at five dollars ($5) per pupil; and administrative services at fifteen dollars ($15) per pupil. In addition to the above, the department shall apportion fifteen dollars ($15) per pupil for instructional materials and fifteen dollars ($15) per pupil for equipment for each new special education program approved under this chapter.

(h) For special transportation services, the amount of six hundred ten dollars ($610) per unit of average daily attendance for those pupils eligible for such services as determined by rules and regulations adopted by the board.

(i) Each fiscal year, the superintendent shall adjust the amounts set forth in subdivisions (a) through (h) to reflect the difference in costs due to fluctuations of monetary value. The adjustment factor shall be jointly determined by the Department of Education and the Department of Finance.

7035.5. It is also the intent of the Legislature to provide financial assistance on an equalization basis for capital outlay for individuals with exceptional needs. The superintendent shall develop a proposal that shall implement this intent in a report to the Legislature by January 1, 1976.

7036. For the 1976–77 fiscal year and each fiscal year thereafter, the department shall include in its budget for the State School Fund sufficient funds to make apportionments under this chapter and an amount sufficient for the administration by the department of the provisions of this chapter.

7037. Apportionments under this chapter shall be made by the superintendent as early as practicable in the fiscal year. Upon order of the Superintendent of Public Instruction, the State Controller shall draw warrants upon the money appropriated, in favor of the eligible districts or counties in the amounts ordered.

7038. (a) Where the approved local comprehensive plan provides for special centers under paragraph (1) of subdivision (a) of Section 7017 in lieu of development centers for handicapped pupils pursuant to Chapter 8.7 (commencing with Section 6880) of Division 6, the governing board or county superintendent of schools may levy and use the tax set forth in Section 6880.16 for the support of such centers.

(b) Where the approved local comprehensive plan provides for programs under this chapter by the county superintendent of schools, in lieu of the tax rate authorized in subdivisions (b), (c), and (d) of Section 20450, the county superintendent may levy a tax over the districts served for the operations of the county superintendent's programs in the comprehensive plan, but such tax shall not exceed the expenditures of his programs less the state aid for the pupils in the programs.

7039. Each district participating in special education programs authorized by this chapter shall maintain a fiscal effort with respect to each child participating in special education programs that is no less than the ~~teacher~~ *fiscal* effort of the district per elementary, intermediate or secondary child not participating in a special education program. The department shall annually review individual district expenditures to assure the comparability of local support. This review shall be based on rules and regulations adopted by the board which take into account growth in district enrollment and increases in district costs.

7040. The department shall continuously monitor and review all special education programs approved under this chapter to assure that all funds appropriated to school districts under this chapter are expended for the purposes intended.

SEC. 2. Section 17303.7 is added to the Education Code, to read:

17303.7. Notwithstanding Section 17303.5, there shall be expended for purposes of making the allowances prescribed by Section 7035 in the 1975–76 fiscal year, the following amounts:

(a) Eighteen million eight hundred thousand dollars ($18,800,000) to be derived from funds which would otherwise be expended under subdivision (c) of Section

17303.5.

(b) Nine million eight hundred thousand dollars ($9,800,000) to be derived from funds which would otherwise be expended under subdivision (g) of Section 17303.5.

(c) Ten million dollars ($10,000,000) from funds appropriated therefor by the Legislature.

SEC. 3. Section 25656 is added to the Education Code, to read:

25656. The Superintendent of Public Instruction, in conjunction with the California School for the Deaf, shall provide assessment and instructional planning services for individuals who are referred for such services by responsible local agencies under subdivision ~~(h)~~ *(b)* of Section ~~7021~~ *7020*.

SEC. 4. Section 25906 is added to the Education Code, to read:

25906. The Superintendent of Public Instruction, in conjunction with the California School for the Blind, shall provide assessment and instructional planning services for individuals who are referred for such services by responsible local agencies under subdivision ~~(h)~~ *(b)* of Section ~~7021~~ *7020*.

SEC. 5. Section 26405 is added to the Education Code, to read:

26405. The Superintendent of Public Instruction, in connection with the Diagnostic Schools for Neurologically Handicapped Children, shall also:

(a) Make comprehensive diagnostic evaluations of individuals referred for such service by responsible local agencies under subdivision ~~(i) of Section 2021~~ *(b) of Section 7020*.

(b) Provide instructional planning services for individuals evaluated under subdivision (a).

(c) Provide counseling services for parents, guardians, and families of neurologically handicapped and seriously emotionally disturbed children.

(d) Conduct experimental assessment projects designed to meet needs of those categories of neurologically handicapped children selected by the

Superintendent of Public Instruction.

SEC. 6. There is hereby appropriated from the General Fund for the purposes of this act the sum of ten million seven hundred fifty thousand dollars ($10,750,000) to be allocated according to the following schedule:

(a) To the State School Fund for allowances under Section 7035 of the Education Code, amounts which shall be made available for expenditures as follows:

(1) For the 1974–75 fiscal year, three hundred thousand dollars ($300,000).

(2) For the 1975–76 fiscal year, ten million dollars ($10,000,000).

(b) To the Department of Education, the sum of one hundred fifty thousand dollars ($150,000) for the fiscal year 1974–75, and three hundred thousand dollars ($300,000) for the fiscal year 1975–76 for the administration by the Department of Education of the provisions of Chapter 11 (commencing with Section 7000) of Division 6 of the Education Code.

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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 3, 1974

Dr. William Webster
Associate Superintendent
State Department of Education
Sacramento, California 95814

Dear Dr. Webster:

I appreciate the time that you and your colleague, Dr. Brinegar, spent in travel and preparation for the June 24 hearing in Washington, D.C. on S. 6, the Education For All Handicapped Children Act. Besides the questions that were asked of you during the hearing, I did submit additional questions. I am taking the liberty of forwarding to you questions submitted by Senator Alan Cranston, which are enclosed, and a few additional questions prompted by the further review of your testimony.

I would appreciate your returning the questions, with your answers, at your earliest convenience as the hearings have now been completed, and the hearing record will be closed at the end of the week of July 8 so that the Subcommittee may prepare for final executive sessions on this legislation later this month.

Again, thank you for your cooperation and your assistance in this effort.

With best wishes,

Sincerely,

Harrison Williams

Harrison A. Williams
Chairman

HAW:lwc

cc: Mr. Leslie Brinegar

Questions submitted by Senator Williams to Dr. Webster

On page 3 of your prepared testimony, you have cited a number of provisions contained in the California Master Plan which coincide with provisions of S. 6. I am particularly interested in points 3, 4, 5 and 6.

A) Would you describe in specific the provisions contained in the Master Plan which will""eliminate the practice of forced labeling of children in order to get the necessary extra costs of their education." Do these provisions include appeals procedures for parents and other interested parties, and do you provide for court review of such appeals?

--Do the provisions also provide for independent evaluation, and if so, who is responsible for the cost of this evaluation and are there any constraints on who will do the independent evaluation?

B) What are the precise procedures provided to parents to: "be listened to about programs to be developed for their children," and "provide full due process rights to children and their parents?"

C) Would you explain in more detail the "monitoring, auditing and accountability program which will furnish relevant data regarding pupil progress and program effectiveness?"

--Also, what are the responsibilities in general of different public agencies at the local, county or regional and state level (and could you cite for the record the specific parts of the Master Plan which relate to these responsibilities)?

--Do you have documents prepared to assist these agencies in complying with such requirements, and if so, could you provide these documents for the record?

2. On page 5 of your testimony, you have made suggestions with reference to the definiation of "related services." Could you be more specific on how this might be accomplished. For example, on the system of "sign-off," who would be responsible for this, and what might be the review mechaniam to assure that funds from S. 5 would not supplant responsibilities of other public service agencies?

WEBSTER

QUESTIONS FROM SENATOR ALAN CRANSTON

1. Could you describe how the State of California has been able to take account of the interests and concerns of parents in the development of policy and operation of programs for education of the handicapped?

2. Does the State of California believe that the 1% earmark for administration of education for the handicapped for the handicapped programs is adequate to effectively administer and monitor program outcomes?

3. Would the State of California find it beneficial if all Federal funding programs for education of the handicapped were combined in a single application?

4. Previous testimony by the Administration suggests that there is a "cushion" of money in the states, which is available for use in funding education for the handicapped programs. I wonder if you might describe the status of the budget in California with regard to financing education for the handicapped?

WILSON RILES
Superintendent of Public Instruction
and Director of Education

STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

July 8, 1974

Honorable Harrison A. Williams, Chairman
Subcommittee on the Handicapped
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20202

Dear Senator Williams:

We truly appreciated the opportunity afforded us on June 24 to testify before the Subcommittee on the Handicapped regarding S. 6. Although our testimony was brief and general referring to the needs of handicapped children, rather than in precise, highly specific terms, we believe and hope that we helped the committee and staff in moving forward S. 6, which perhaps could be the single most significant piece of federal legislation ever conceived in behalf of handicapped children and their education.

It is hoped, therefore, that you will call upon us whenever you believe we can be of service in the Senate/House approval of this legislation. Mr. Don White, California Deputy Superintendent for Congressional Relations, will continue to remain close to the scene, and can contact us immediately whenever we may be needed.

Enclosed you will find responses to the several questions which you asked us to review. Again, thanks for your courtesy, and your willingness in helping us to prepare our testimony for the subcommittee.

Sincerely,

William E. Webster
Associate Superintendent of Public Instruction
(916) 322-2363

Leslie Brinegar

Leslie Brinegar
Associate Superintendent of Public Instruction
(916) 44[illegible]

cc: Mr. Donald K. White
Deputy Superintendent for Congressional Relations
California Department of Education
[illegible] New Jersey Avenue, S.E.
Washington, D. C. [illegible]

QUESTIONS AND RESPONSES RE CALIFORNIA SCHOOL SERVICES FOR THE HANDICAPPED

1. What percentage of all handicapped children are presently being served in education programs in California?

California now is serving 304,147 of an expected 431,987 children, or 70.4%.

2. Are there districts now which provide individualized plans for each child, and what has been the experience with these plans?

One of the concepts being tried out under support of Title VI funds is that of individualized instruction based upon diagnosis and prescription. For example, the Castro Valley Unified School District program has been selected to be a dissemination project for next year, to assist other education agencies in replicating components of their prescriptive teaching system. Fresno Unified is operating a team learning center and a regional diagnostic center to demonstrate instructional interventional techniques; the Santa Monica "Madison School Plan" is nationally recognized for its approach to individualized instruction for children with learning disabilities; Los Angeles City has a diagnostic curriculum and assessment service based on prescriptive learning strategies. Fountain Valley, Westminster, Monterey County, Kern County, [illegible], and other agencies have helped lead the way in developing strategies adaptable to individual instruction. These are successful programs which show the potential of coordinated team work when many resources are brought to bear on the individual's life needs.

3. Does your Master Plan detail a date by which all children shall have special education services?

The Master Plan does not designate a date per se. It emphasized the urgency of early initiation of services. The implementation design is based on full service no later than the 1979-80 school year. We hope to include all out-of-school children no later than the 1977-78 school year.

4. One of the primary concerns in mandating special education services for all children in the state is the availability of well trained personnel. Nationally, the estimates of need are an additional 245,000 teachers and ancillary personnel. As I understand it, the State of California has a plan for in-service and other training for personnel to fill this need. Could you describe this?

California proposes to designate, from the Management and Support Component, $5 for [illegible] mentioned [illegible], which is for use in in-service education of staff. [illegible] in-service need is to assist regular class teachers in individualizing instruction for children with problems. The content of such training should revolve around (1) diagnostic skills and (2) remediation-instructional skills.

The greatest asset in providing mass in-service education for regular staffs is [illegible] use of a Resource Specialist in each school building in California. This person is the articulating link to bridge the gap between special and regular education. The Resource Specialist is both a teacher (working with handicapped individuals and small groups) and a "consulting teacher" who works with the regular teachers from whose rooms the Resource Specialist's pupils come. We believe that this method will successfully do the in-service job, and have a great impact on instruction for all children.

5. As I understand it, the California Master Plan would also provide for each child an individualized plan as required in S. 6. Is that correct?

Yes. A local school building appraisal team or district-wide school assessment service will have that responsibility. Basically this plan will consist of specific instructional goals for each child.

S. 6 language in regard to this section should provide instructions to the Commissioner to require states and local districts to be responsible for establishing criteria in this area, and to require states in their comprehensive plans to be responsible for the effective use and monitoring of this provision.

6. Does the state presently have appeals and due process procedures for parents who challenge the placement of their child? What is envisioned under the Master Plan?

Presently, we do not have explicitly spelled-out procedures. The Master Plan bill (AB 4040) does provide precise procedures which appear to meet the needs expressed by parents and legal bodies in California. These procedures are spelled out on pages 18-21 of AB 4040 (latest amendment enclosed).

7. Has the state undertaken a needs assessment for children in need of services?

No. It delegates that responsibility to local school boards. However, the Master Plan will require the "seeking out" and reporting of children and a total needs assessment as part of the comprehensive planning process.

8. One of the serious concerns coming out of the court cases is the need to assure that children are not inappropriately labeled, and that steps are taken to assure that school programming does not underestimate the ability of the child. At least one of these cases, the Diana case, came out of California, and I know that with the [illegible] bilingual population within the state, this problem is of special significance. Can you describe to us some of the protections you have built into your [illegible] the [illegible]? Would you have any further recommendations for S. 6 that will assist in this area?

The Master Plan uses one legal term only, "Individuals with Exceptional Needs". However, there are four classifications for reporting data to the state. These classifications are: (1) physically handicapped, (2) learning handicapped, (3) communicatively handicapped, and (4) severely handicapped. We will not program children by these labels. Programs are to be established on a non-categorical basis." State funds will go to schools on the basis of components of services, i.e. X dollars per special class, X dollars per Resource Specialist. We believe that this will focus instructional program development on the demonstrated educational-learning needs of children, rather than upon categories of disability. This places a premium on clear-cut and precise understanding of children's functional behavior and needs.

The purpose of the reporting classifications is temporary, and we believe necessary to assure the State Legislature that there is no intention to use "categorical" special education funds to serve problem children beyond the scope of the traditional handicapping conditions. In that same sense, it is believed that the language of S. 6 should be acceptable to most persons concerned with the handicapped.

9. Can you give us some idea of your priorities for spending, if you received money under the Mathias amendment and S. 6?

Under both the Mathias amendment and S. 6, California likely would establish the following priority system, pending State Board of Education approval, and acceptability under Federal law and guidelines:

a. Immediate service in school of all identified, eligible Development Center children (California term for retarded below 30-35 IQ and/or severely involved physically handicapped children).

*b. Establishment of services to all identified autistic children.

*c. Immediate establishment of special classes for multiple handicapped.

d. Establishment of pre-school classes for severely handicapped children in comprehensive planning districts and counties.

e. School districts preparing for comprehensive services under the Master Plan would be allowed funds for the "seeking out" of pre-school handicapped.

f. School districts moving toward Master Plan implementation would be allowed funds for the in-service preparation of regular teachers working with or preparing next year to work with "mainstreamed" handicapped children.

g. Establishment of Resource Specialist-type programs in all schools desiring to establish such programs under Master Plan guidelines and to serve previously unserved pupils.

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*We believe the Mathias amendment funds would allow full services to be supplied [illegible] groups in California during [illegible].

19. What would be your priorities for state administration expenditures?

State administration funds will be used to augment State Department of Education staff to be used to provide technical assistance to local educational agencies for the following activities:

a. More efficiently and effectively identify handicapped children. More uniform procedures could be developed at the state level which, if used statewide, would enable the California State Department of Education to more accurately determine the numbers, types of handicapped children, and where they are located.

b. More efficiently and effectively accomplish local needs assessments. State Department of Education staff will develop guidelines to show what needs should be considered, how parents of handicapped children are to be involved in the assessment process, etc.

c. Evaluate local program effectiveness and prepare for state on-site program review, as required in the California Master Plan, California legislation (AB 4040), and federal legislation (S. 6). Program review by State Department staff would be for the dual purposes of (1) determining compliance with federal and state guidelines, rules and regulations, and (2) technical and operational suggestions to the local educational agency for program improvement.

d. Upgrade the skills of local education agency supervisors and teachers in both regular and special education to effectively meet the objectives as set forth in the legislation. California State Department of Education staff will organize and hold workshops and training institutes. Departmental staff will cooperate with college and university training institutions in efforts to improve skills of future special and regular educators for working with the handicapped.

e. Establish means to collect, analyze and disseminate "promising practices" information to all California school districts. This service should include:

(1) Best programming information.
(2) In-service education practices and techniques.
(3) Instructional technology and instructional systems.
(4) Pupil progress and program effectiveness rationales and formats.

f. Assist regular classroom teachers in feeling more comfortable and being more competent in dealing with handicapped children who will be returning to their classrooms.

In order to fulfill these aspirations of state service, we support the testimony supplied by Dr. Ray Peterson, Director of Federal Liaison for the Council of Chief State School Officers, in which he recommended that in Section 6, payments, under Subsection (c)(1)(A) be increased to 1.5% of the total. We believe that this action is justified on the basis of the low incidences of the handicapped, especially as that affects programming in sparsely populated regions of states like California. Our experience indicates that the kinds of services described above under Question 10 can only be provided by the State Department of Education.

11. Related Services

We would like to suggest the retaining of the ability to utilize federal funds for related services, in the belief that such services refer to those services which a local district finds necessary to supply or buy in order to make a child's program meaningful and effective. We presume that these include psychological services, pertinent medical and psychiatric diagnosis, etc.

Since these items are especially necessary in servicing severely handicapped and disturbed children, we would recommend the retaining of "related services" in S. 6.

On Page 7, Line 4, we suggest this amendment:

> ...used by the State to initiate, expand, and improve educational and related..."

WILSON RILES
Superintendent of Public Instruction
and Director of Education

STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

July 25, 1974

Honorable Harrison A. Williams, Chairman
Subcommittee on the Handicapped
Committee on Labor and Public Welfare
United States Senate
Senate Office Building
Washington, D. C. 20510

Dear Senator Williams:

I am forwarding responses to the additional questions on the impact of S. 6 which you sent to me on July 3. I regret the time lapse in getting the requested material back to you, and hope that Senator Cranston, you, and the other members of the Committee will find it helpful.

Thank you again for the opportunity to assist in this important undertaking.

Sincerely,

William E. Webster
Deputy Superintendent for Programs

WEW:DPG
Enclosure

cc: Honorable Alan Cranston
Mr. Donald K. White

July 25, 1974

ADDITIONAL QUESTIONS AND RESPONSES RE CALIFORNIA SERVICES FOR THE HANDICAPPED

1. On Page 3 of your prepared testimony, you have cited a number of provisions contained in the California Master Plan which coincide with provisions of S. 6. I am particularly interested in Points 3, 4, 5 and 6.

A. Would you describe in specific detail the provisions contained in the Master Plan which will "eliminate the practice of forced labeling of children in order to get the necessary extra costs of their education".

Funding of special education programs will be provided through program service components (i.e. special classes, resource specialist program, etc.) as specified in the Master Plan, rather than on the basis of categorical groupings.

Single Pupil Designation - "Individuals with Exceptional Needs". A single designation should be used for legal requirements for special education. This single designation replaces the five current categorical classifications. It eliminates the necessity of placing a stigmatizing label on a child in order to provide the educational service that the child requires. To provide the necessary information (for data reporting and management purposes only) four program classifications are proposed. They are: communicatively handicapped, physically handicapped, learning handicapped, and severely handicapped.

Support of Special Education Costs. It is recommended that the state provide financial support for the costs of a special education program above the cost of the foundation program. The funding would be through the eight program components, rather than the categorical approach now in use. Additionally, there should be the development of a system to establish fiscal accountability and to preserve the integrity of use of special education funds.

Do these provisions include appeals procedures for parents and other interested parties, and do you provide for court review of such appeals?

Appeal procedures have been built into the Master Plan. In comprehensive plans, schools must provide for explicit due process procedures and parental appeals for all pupils, to assure equality of access to special education programs, to prevent excessive referral and inappropriate placement, and to assure equality of egress from special education programs. The Master Plan will also provide that parents shall be completely informed of the total appeals process, including court review.

Do the provisions also provide for independent evaluation, and if so, who is responsible for the cost of this evaluation, and are there any constraints on who will do the independent evaluation?

Yes, independent evaluations. Such independent evaluation shall not be at the expense of the school district, unless it agrees to pay such costs. Independent evaluations must be from qualified specialists. The California State Board of Education will define "qualified specialists" by regulation.

B. What are the precise procedures provided to parents to "be listened to about programs to be developed for their children", and "provide full due process rights to children and their parents"?

All comprehensive plans must be developed with the assistance of a community advisory committee consisting mainly of parents of the handicapped.

Each child must have a specific plan for instruction. Parents must be conferred with as to the child's needs and proposals for help to the child.

Parents may request program reviews and further assessments.

Parents are informed as to their due process rights before any action is taken, in ordinary and concise language (in the language of the home).

C. Would you explain in more detail the "monitoring, auditing and accountability program which will furnish relevant data regarding pupil progress and program effectiveness?"

Evaluation. An on-site evaluation system for special education will be developed and conducted to provide for appropriate pupil, process and program evaluation. Such a system will evaluate the program effectiveness for pupils, the effectiveness and impact of the Comprehensive Plan, and the overall statewide effectiveness of special education. An important initial step will be the collection of adequate baseline data to determine the current status of special education in order to measure progress in upcoming years.

The State Superintendent of Public Instruction is to:

(1) Recommend approval of comprehensive plans to the State Board of Education.

(2) Allocate special education funds in accordance with the approved comprehensive plans.

(3) Consult with offices of the county superintendents of schools and districts to assist in improving programs at the local level.

(4) Establish an annual review process for contractual arrangements made by districts and offices of county superintendents of schools.

(5) Review program evaluation of all programs operated by the districts, offices of the county superintendents of schools, and the state schools.

(6) Enforce all statutes, regulations, and policies for special education.

(7) Assure the implementation of the comprehensive plan, in accordance with requirements of the Education Code and California Administrative Code.

Title 5. To fulfill this responsibility, the Department is to authorize on-site audits and provide general supervision and consultation to offices of the county superintendents of schools and districts. The Superintendent of

Public Instruction shall, in the event that a school district or county superintendent of schools fails to provide a special education program as specified in its approved comprehensive plan, act to bring about the proper implementation. The actions to be taken, in the order of their occurrence and severity, should be: (a) sending a problem-solving team to assist in development, (b) initiating legal action to require the agency to develop and submit a plan.

(8) Develop written agreements with other state agencies which provide services to individuals with exceptional needs. Such agreements should specify the roles, responsibilities and services of each agency.

(9) Monitor comprehensive plans and provide assistance in program development and evaluation.

(10) Develop a hearing procedure for a parent or guardian who desires educational services for a child which are not available to that child.

Annually, an audit team is to conduct an intensive review of the educational process, organization, and pupil progress of selected comprehensive plans throughout the state. Each comprehensive plan is to be audited as often as appropriate during the period for which approved. Teams consisting of one State Department of Education person and outside evaluators (from without the school system being audited) will be used.

Fiscal audit procedures shall require reports from all school districts using the same method of showing both direct and indirect costs by program components.

--Also, what are the responsibilities in general of different public agencies at the local, county or regional and state level (and could you cite for the record the specific parts of the Master Plan which relate to these responsibilities)?

The Master Plan sets forth the respective responsibilities of the various levels of the public education system, i.e. State Board of Education, State Superintendent of Public Instruction, County Schools Offices (compares to intermediate school units in other states), and local school districts. These roles are delineated in Sections 7005, 7007, 7008-7009, and 7010 respectively of California Assembly Bill 4040 (provided the Committee earlier).

The local schools, the county schools offices, and the State Department of Education are to take responsibility for "coordinating" the needs of handicapped children with other public agencies in the community and state. No means of enforcing such coordination and cooperation was envisioned in the Master Plan.

--Do you have documents prepared to assist these agencies in complying with such requirements, and if so, could you provide these documents for the record?

Materials, including formal guidelines, manuals and rules and regulations are in various degrees of preparation, but are not yet available.

2. On Page 5 of your testimony, you have made suggestions with reference to the definition of "related services". Could you be more specific on how this might be accomplished? For example, on the system of "sign-off", who would be responsible for this, and what might be the review mechanism to assure that funds from S. 6 would not supplant responsibilities of other public service agencies?

The need for purchase of "related services" such as independent evaluations and necessary highly specialized supplemental diagnoses is especially pertinent when dealing with children whose parents are poor. We believe that it is possible to establish that federal funds accruing from S. 6 would be used only for supplementary state and local efforts, rather than supplanting state and local efforts for auxiliary services. This can be done only at the local school level. It would have to be done by school social workers effecting liaison with other agencies. California would require schools in their comprehensive plans to describe their plans for this function and account for money expenditures for these purposes.

Local comprehensive plans can describe these mechanisms through contracted usage on a "needs" basis.

QUESTIONS FROM SENATOR ALAN CRANSTON

1. Could you describe how the State of California has been able to take account of the interests and concerns of parents in the development of policy and operation of programs for education of the handicapped?

One pertinent step was the establishment of a statewide Commission on Special Education which advises the State Board of Education on all policy matters relating to exceptional children. The Commission meets monthly for 1-2 days throughout California, and holds information sessions which are attended by the public for the purpose of allowing community persons to express viewpoints concerning education of the handicapped.

We are not satisfied with the past and current involvement of parents. The California Master Plan, now progressing through the State Legislature, focuses heavily on parental participation from the beginning of planning the entire special education program on through program operations concerning their own children. During the development of the Master Plan 14 regional input seminars were held over a period of three months. Over 6,000 persons participated; a heavy percentage consisted of parents of the handicapped.

2. Does the State of California believe that the 1% earmark for administration of education for the handicapped programs is adequate to effectively administer and monitor program outcomes?

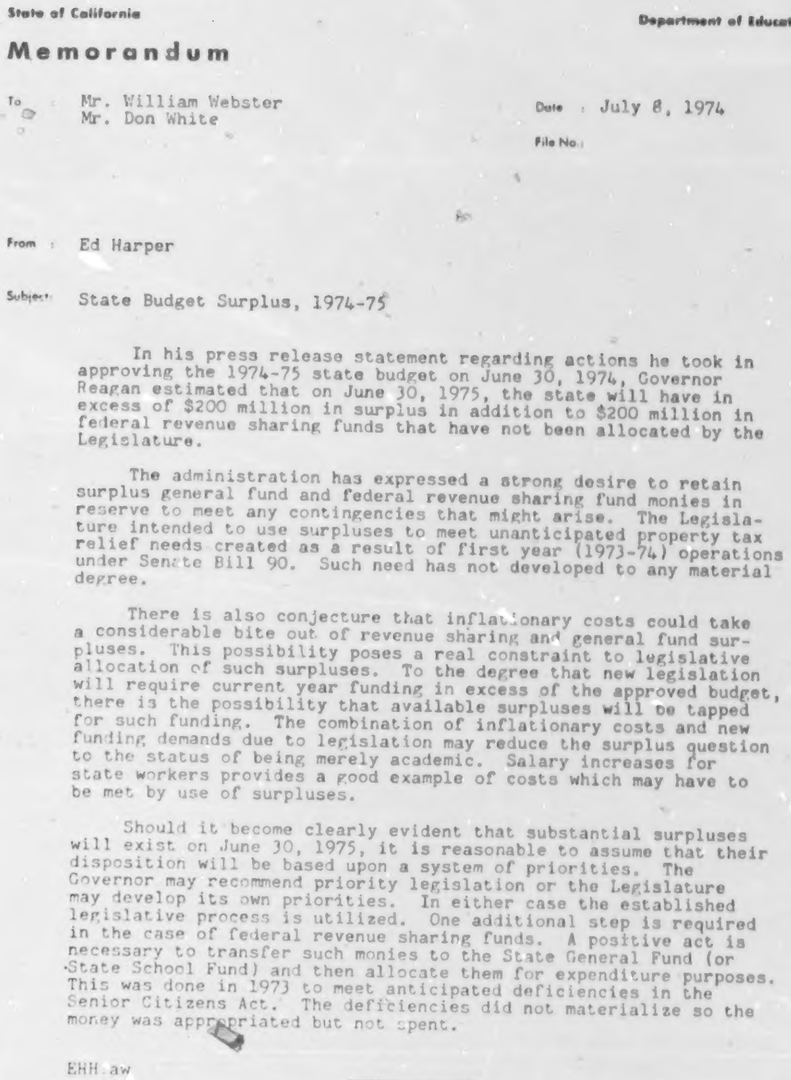
No. Adequate coverage of these extremely vital functions will require some additional help. We would expect here in California to use program audit teams, made up largely of qualified non-State Department of Education persons, but from without the particular school district being audited. Per diem and travel costs would have to be offered. These will be additional costs over and beyond the more traditional costs of administering programs and funds. Dr. Ray Peterson, testifying in behalf of the Chief State School Officers' Association, recommended 1.5% for administration. This appears to be a good estimate, particularly when state departments of education carry out their responsibilities in the area of dissemination of promising practices.

3. Would the State of California find it beneficial if all federal funding programs for education of the handicapped were combined in a single application?

Yes, definitely.

4. Previous testimony by the Administration suggests that there is a "cushion" of money in the states which is available for use in funding education for the handicapped programs. I wonder if you might describe the status of the budget in California with regard to financing education for the handicapped?

A memorandum on this subject from Edwin Harper to Bill Webster and Don White is attached, describing the status of the California budget.



State of California **Department of Education**

Memorandum

To : Mr. William Webster
Mr. Don White

Date : July 8, 1974

File No.:

From : Ed Harper

Subject: State Budget Surplus, 1974-75

In his press release statement regarding actions he took in approving the 1974-75 state budget on June 30, 1974, Governor Reagan estimated that on June 30, 1975, the state will have in excess of $200 million in surplus in addition to $200 million in federal revenue sharing funds that have not been allocated by the Legislature.

The administration has expressed a strong desire to retain surplus general fund and federal revenue sharing fund monies in reserve to meet any contingencies that might arise. The Legislature intended to use surpluses to meet unanticipated property tax relief needs created as a result of first year (1973-74) operations under Senate Bill 90. Such need has not developed to any material degree.

There is also conjecture that inflationary costs could take a considerable bite out of revenue sharing and general fund surpluses. This possibility poses a real constraint to legislative allocation of such surpluses. To the degree that new legislation will require current year funding in excess of the approved budget, there is the possibility that available surpluses will be tapped for such funding. The combination of inflationary costs and new funding demands due to legislation may reduce the surplus question to the status of being merely academic. Salary increases for state workers provides a good example of costs which may have to be met by use of surpluses.

Should it become clearly evident that substantial surpluses will exist on June 30, 1975, it is reasonable to assume that their disposition will be based upon a system of priorities. The Governor may recommend priority legislation or the Legislature may develop its own priorities. In either case the established legislative process is utilized. One additional step is required in the case of federal revenue sharing funds. A positive act is necessary to transfer such monies to the State General Fund (or State School Fund) and then allocate them for expenditure purposes. This was done in 1973 to meet anticipated deficiencies in the Senior Citizens Act. The deficiencies did not materialize so the money was appropriated but not spent.

EHH:aw

Senator WILLIAMS. The subcommittee is adjourned.

[Whereupon, at 12:50 p.m., the subcommittee hearing was adjourned subject to the call of the Chair.]

APPENDIX

370/371

[illegible] A. WILLIAMS, JR., N.J., CHAIRMAN
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MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 3, 1974

Mr. Greg Humphrey
American Federation of Teachers
1012 - 14th Street, N.W.
Washington, D. C.

Dear Mr. Humphrey:

I want to take this opportunity to thank you for appearing before the Subcommittee on the Handicapped on June 17 to present testimony on S. 6, the Education For All Handicapped Children Act.

As I indicated before I left the hearing, I am submitting a number of questions to you for reply for the Record. I would appreciate your returning the questions, with your answers, as early as possible, as the Subcommittee is preparing to proceed to final consideration of this legislation later this month, and the hearing record will be closed by the end of the week of July 8.

With best wishes,

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

Questions Submitted by Senator Williams to Dr. [illegible]

1. The Administration, in appearing before this Subcommittee, expressed two primary criticisms of the excess cost formula: 1) that the formula would encourage improper labeling of children as "handicapped" and 2) that the accounting procedures necessitated by excess costs are beyond the capability of school systems presently. It seems to me we have a series of problems which may be more apparent than real in these criticisms. First, the formula in the bill is based on the number of children the school system is actually serving, and the cost of education of these children. In order for this to encourage the labeling of children, it seems to me that school districts would really have to juggle their figures in a way which would be obvious in any kind of an audit. Secondly, in the long run it would seem to be essential to local school districts and states to have information resulting from cost accounting (which the excess cost formula would provide) in order to plan adequately for services. Would you care to comment on these two criticisms of the Administration?

2. The Administration, in their testimony before this Subcommittee, pointed to budget surpluses for the states ($5.5 billion for calendar year 1974) and the budget deficit for the Federal Government. Because of this "phenomenon," they argued that local school systems are "fully able" to finance the incremental costs of special education and that in the case of poor districts, the states are able to assume that full cost. Thus, they argue that financial support of the kind proposed in S. 6 is not necessary. What is your reaction to their statement?

3. You express some concern about the "individualized written program" requirement in the bill. You state that outcomes cannot be guaranteed in education -- and I agree with that. However, you also suggest that goal-oriented programming is extremely important and useful -- and I agree with that statement as well.

   --This leaves us with a real dilemma: How do we direct our efforts to the special problems of these special children and, at the same time, avoid rigidity (which is what you seem to be afraid of)?

   --Also, since we have seen these individualized plans begin to bear fruit in such states as Pennsylvania, don't you think that there are ways to use this tool so that everyone's rights and obligations are adequately protected? Do you have any specific suggestions as to how to better draft this provision so that the concerns of your organization can be met without relegating handicapped children and their parents to a secondary role in the education process?

4. You state that you are "cautious" about the requirement that tests and evaluation procedures must not be racially or culturally discriminatory. Yet, we all know that these testing devices will be used no matter what we day about them. Therefore, don't you think it better to try our best to assure as little bias as possible than to neglect this problem entirely?

5. You question the inclusion of children in private schools as eligible for assistance under this bill. And, I would agree that we must do everything we can to assure that a free appropriate education is available to all handicapped children in every state. Unfortunately -- and this is the entire reason for the bill -- we are far behind where we should be in making this right a reality. In addition, the education system for handicapped children has, of necessity, led to the development of a large number of private school settings. Thus, until our mutual goal is achieved, are you suggesting that we must deny some assistance to those children who have no other alternative than private education facilities?

AMERICAN
FEDERATION
OF TEACHERS
AFL-CIO

1012 14th STREET, N. W.
WASHINGTON, D. C. 20005
202/737-6141

DEPARTMENT OF LEGISLATION
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PHILIP KUGLER, Assistant Director

AFT

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President

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Secretary-Treasurer

VICE-PRESIDENTS
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San Francisco, Calif.
HENRY E. BENNETT
ROSE CLAFFEY
PATRICK L. DALY
[illegible]

August 6, 1974

Re: Written Questions on S. 6 --
The Education for Handicapped Children Act

In response to question number 1, it is difficult to believe that any school district would label non-handicapped children as handicapped simply to increase their allocation under the excess cost formula. Since the formula is based on children actually being served, any questionable increase would be easily distinguished by even the most rudimentary accounting systems.

Secondly, any increase in the count of children requires extra local effort since the formula does not cover all excess costs for handicapped children, but only a portion.

As to the charge that the school districts could not handle the accounting procedures necessitated by excess costs calculations, under H.R. 69, the education amendments of 1974, they are going to have to begin such accounting procedures because of the comparability and excess cost provisions newly added to Title I of the ESEA. Finally, even if it has not been done before, it must be done now in order to plan the services needed by handicapped children in an effective manner.

Question 2. In terms of the budget surpluses ($5.5 billion for calendar year 1974), this is a temporary phenomenon. With increasing demands on state and local governments for police protection, health services, environmental protection, property tax relief, and other pressing social needs, we cannot believe that even if this surplus continued, half of the funds would be channeled into new programs for handicapped children. It is also important to note that more and more court decisions are requiring education services that have never before been provided. For example, Lau v. Nichols in the area of bilingual education, and the many state court decisions require equalization of educational services as well as court decisions requiring educational services for the handicapped. It is also important to note that only nine states currently offer compensatory education programs for

for disadvantaged children. This is certainly one deficiency that must be corrected. Since the need has not been met in the past, and there have been times in the past when local governments in the aggregate have had temporary budget surpluses, it is misleading at best to advocate the use of a one-time budget surplus to handle a continuing crisis in the education of handicapped children.

Question 3. In our statement, we did not oppose individualized written plans for handicapped children. In fact, we view it as a useful method. Our major concern is that the individualized written plan not become a mass of paper work for teachers in the field of handicapped education. We do not find anything particularly wrong with the language in S. 6 in this regard. We simply wish to state that the authors of the bill, either in report language or by some other method, have an obligation to clarify this provision to avoid any interpretation leading to the above-mentioned problems. Again, we support this approach.

Question 4. We agree with you that testing will be one of the devices used to evaluate and designate handicapped children. We also agree that the bill's approach to make these devices reflect as little bias as possible is preferable to ignoring the problem in its entirety. What we do advocate is that the bill contain a provision requiring oversight on any guidelines and regulations promulgated to execute the act. This approach is included in many of the programs authorized by H.R. 69, and we feel it is a useful method of dealing with a thorny problem.

Question 5. It is not our position that handicapped children should forego vitally-needed education because the public schools have been negligent in meeting their needs to date. What we are attempting to say is that the long-range thrust of this bill ought to be improving the capacity of the public school system to educate handicapped children. We are not advocating that handicapped children who go to private schools during this interim period be denied the benefits of this act. We do believe that if the public school system is strengthened and expanded, the needs of handicapped children will be better met because the large financial contribution required by most private schools offering education to the handicapped is beyond the reach of many of the parents of handicapped children. Private organizations are doing laudable work at relieving the financial burden, but they cannot solve the financial problem in its entirety.

Gregory A. Humphrey
Assistant Director
Department of Legislation

GAH:slg
opeiu#2
aflcio

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
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MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 3, 1974

Mr. Ray Peterson
Council of Chief State
School Officers
1201 - 16th Street, N.W.
Washington, D. C.

Dear Mr. Peterson:

I want to take this opportunity to thank you for appearing before the Subcommittee on the Handicapped on June 17 to present testimony on S. 6, the Education For All Handicapped Children Act.

As I indicated before I left the hearing, I am submitting a number of questions to you for reply for the Record. I would appreciate your returning the questions, with your answers, as early as possible, as the Subcommittee is preparing to proceed to final consideration of this legislation later this month, and the hearing record will be closed by the end of the week of July 8.

With best wishes,

Sincerely,

Harrison A. Williams
Chairman

HAW:lwc

COPY

1. The Administration, in appearing before this Subcommittee, expressed two primary criticisms of the excess cost formula: 1) that the formula would encourage improper labeling of children as "handicapped" and 2) that the accounting procedures necessitated by excess costs are beyond the capability of school systems presently. It seems to me we have a series of problems which may be more apparent than real in these criticisms. First, the formula in the bill is based on the number of children the school system is actually serving, and the cost of education of these children. In order for this to encourage the labeling of children, it seems to me that school districts would really have to juggle their figures in a way which would be obvious in any kind of an audit. Secondly, in the long run it would seem to be essential to local school districts and states to have information resulting from cost accounting (which the excess cost formula would provide) in order to plan adequately for services. Would you care to comment on these two criticisms of the Administration?

2. The Administration, in their testimony before this Subcommittee, pointed to budget surpluses for the states ($5.5 billion for calendar year 1974) and the budget deficit for the Federal Government. Because of this "phenomenon," they argued that local school systems are "fully able" to finance the incremental costs of special education and that in the case of poor districts, the states are able to assume that full cost. Thus, they argue that financial support of the kind proposed in S. 6 is not necessary. What is your reaction to their statement?

3. In your statement you estimate that 90% of the costs of educating handicapped children are found in personnel, transportation, and equipment costs. Can these items be defined more precisely -- for instance, are you talking about more than simply instructional personnel?

4. Do you really think that there will be major accounting problems, and if so, what are they? Also, if we do not have reasonably uniform measures of accounting, isn't it about time that we developed them?

5. You say that states and localities should have the primary responsibility of determining criteria for the individualized written programs. Yet, how can the Federal Government be assured that they are well constructed and properly utilized? What kind of Federal guidelines should be developed for these programs and how specific or general should they be?

6. You say that there should be a single state plan for all Federal programs for education of the handicapped? Are you suggesting that some existing programs (e.g. Title I, Title III, ESEA) should be consolidated, or that all programs should be coordinated through a single state plan?

[The answers of Dr. Peterson had not been submitted at the time these hearings were printed.]

TESTIMONY BY THE

MARYLAND STATE DEPARTMENT OF EDUCATION

ON S. 6

Senate Bill 6 has the potential to aid Maryland in solving some of its major problems 1) in expanding programs for the 35% handicapped population not now being served and 2) to improve programs for all being served. Through Maryland Data System for the Handicapped, we are beginning to receive data on all identified handicapped children in the State. However, we are in danger of losing this forward technological advance by external issues from some organizations and parents representing handicapped populations. S. 6, while requiring such a system of recording, must assure the public of confidentiality, informal consent, and valid and supportable purposes for such national data collecting.

Definitions must be carefully and tightly defined since the trend has been so to broaden the definitions of handicap that the intent to serve the pupil already in need is seriously diffused. The data available on the actual number of handicapped being served, need to be served, or yet to be identified are extremely suspect and, therefore, questionable as a base for funding. A related problem relates to funding on an "excess cost" basis. First, the data of those to be served are suspect and, second, the actual cost per handicapped pupil is in a most confused and inaccurate state.

In Maryland, we feel that we have 1) the legislation needed to be eligible for federal funds, 2) an accountability law, 3) two years experience with a Data System for the Handicapped, 4) established a comprehensive bylaw and standards for appeal and hearing procedures for special education, and 5) a financial auditing system to begin to compile a fair estimate of cost per individual program.

The Maryland State Department of Education would recommend the following:

1. Appropriate $15.00 per each pupil enrolled in the public schools of each state for programs for the handicapped population. This is in the Senate version of H.R. 69 as amended by Senator Mathias.

2. Limit the total federal dollars to 25% of the total state and local cost per handicapped.

3. Permit up to 15% of the total allocation to each state for training of personnel.

4. Develop uniform accounting and accountability criteria for handicapped programs.

5. Authorize advance funding.

6/74

NSBA
NATIONAL SCHOOL BOARDS ASSOCIATION
800 State National Bank Plaza • Evanston, Ill. 60201 • (312) 869-7730

Address reply to
1120 Connecticut Ave. NW
Washington, D.C. 20036

The National School Boards Association is the only major education organization representing school board members -- who are in some areas called school trustees. Throughout the nation, approximately 80,000 of these individuals are Association members. These people, in turn, are responsible for the education of more than 95 percent of all the nation's public school children.

Currently marking its thirty-fifth year of service, NSBA is a federation of state school boards associations, with direct local school board affiliates, constituted to strengthen local lay control of education and to work for the improvement of education. Most of these school board members, are elected public officials, accordingly, they are politically accountable to their constituents for both educational policy and fiscal management. As lay unsalaried individuals, school board members are in a rather unique position of being able to judge federal, state and local relationships, such as the "Education for All Handicapped Children Act," purely from the standpoint of public education, without consideration to their personal professional interest.

The National School Boards Association fully supports the concept of federal funding for the purpose of assuring that all handicapped children will receive an opportunity for a meaningful public education. In this regard, S. 6 is a very positive step to the acheivement of that end. However, some of the program specifications set forth therein will require modification before NSBA can support the bill. Those particular provisions, which are discussed fully below, relate primarily to questions of effective program implementation and policy making at the local school district level.

Forward Funding Required

In effect, section 5 states that the federal government will pay to the state 75 percent of the excess cost of educating children who are identified as handicapped. Section 6(a) requires state assurance that all handicapped children will be given access to public schools and that individualized student programs will be maintained at the local level. At the same time, section 2 makes the finding that 60 percent of the seven million handicapped children do not have adequate services and 14 percent are not receiving any. Taking these provisions together, there are two related reasons which compel that this program be forward funded.

First, assuming enactment of the Congressional Budget and Impoundment Control Act of 1974, appropriations for any school year beginning in September will not be known until the previous May 15.* Mechanically, it would be extremely difficult for state plans, and the highly individualized local applications thereunder, to be finalized and put into place by September. This mechanical problem is further complicated by the fact that states operate on a July 1 fiscal year, which means that local educational agencies must complete their program planning in the early spring. And this takes us to our second concern. If local funds are committed in early spring and then the May (or September) appropriations for the handicapped are unexpectedly low (remembering that 75 percent of the program is federally funded), it would be extremely difficult for local units to "find" the funds to maintain programs at that time. In this regard, since the bill is requiring the states and local agencies to develop a plan for the expenditure of perhaps in excess of $3 billion of new money, state and local units should not be placed in jeopardy of entering into contractual commitments and raising public expectations unless the funds are actually in hand.

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*In fact, the precise amount may not be known until the mid-September final reconciliation deadline -- which is after the commencement of the school year.

In requiring forward funding, we recognize that the federal share will then be based on expenditure figures which will be two years old in the year during which the actual expenses are incurred. Accordingly, at the level of full funding, the federal share could be significantly less than 75 percent of current expenditures. However, in terms of sound fiscal management, NSBA must support forward funding even if it means a lower payment rate.

Funding on the Basis of Local Entitlement Not State Allotment

Section 8(a)(2) of the bill provides that the "state educational agency shall distribute to each local educational agency of the state the amount for which its application has been approved. . . ." Section 6(c) partially limits the states from having open ended discretion in determining the distribution of federal funds. Specifically, it requires that the states distribute funds in a manner which will "reflect" the relative expenditures made within the state "by state and local agencies." At the same time, the distribution must be made "on the basis of consideration of" relative geographical need and relative need within subgroups. However, upon closer examination these distribution standards are not precise and are somewhat inconsistent (i.e., effort versus need). In terms of effort, it is not clear whether the standards are limited to state effort versus total local effort (for determining total local grants) or whether "consideration" must also be given for the effort of one local agency in relation to all local agencies (for determining each local grant from the total amount available for local grants).

Given the fact that the level of full funding of the program may exceed $3 billion, the state agency should be required to distribute said funds pursuant to a congressionally determined local formula entitlement rather than the fairly open distribution plan currently appearing in S. 6. In short, a distinction should be made between the power of the state to approve the merits of a local plan and the power of the state to determine the dollar level as well.

But even with respect to the development and operation of the state plan, the program would probably be more effective if the state's role was more in the nature of a program coordinator than an initiator of local program requirements. This view can be supported on several grounds. First, if indeed the local educational agency must work out individualized programs with parents and provide due process hearings in cases of disagreement, it should also have the flexibility to make final program decisions.

As currently drafted, S. 6 invites impasse with parents to the extent that local boards would only serve as an intermediary to pass messages of disagreement between parents and the state agency. But more fundamentally, unless the local program is objectionable for good cause, there would appear to be questionable value to empowering the state agency to reverse approaches developed "on-the-scene" just to operate the program "its way". That is, the local level understands how a particular program fits into the total management of its school's operation and how it can best serve the needs of the local community. Since the bill may, in effect, actually require that states compel local school boards to apply for assistance in order to meet its section 6(a)(1) assurance that all handicapped children will be given a free public education, local boards should not be forced to lose their autonomy in order to build the handicapped program into existing operations (i.e., existing operations for handicapped children as well as the total school operation.) It should be noted that if a local agency wishes to avoid state imposed regulation and can afford to finance its handicapped program solely from local funds, that local effort will yield the state level three times the amount in federal funds for redistribution to other school districts. In short, NSBA must oppose the power leverage which S. 6 places at the disposal of the states.

In urging that S. 6 be drafted in the nature of a local formula entitlement program, per pupil payment rates should vary with the educational cost associated with the various subclasses of handicap. Since the bill already requires that these statistics be maintained for the purpose of determining state allotments, the total paperwork would not vary significantly from the current draft. As in the case of ESEA Title I, the federal government's largest education program, the targeted children would simply be counted and an application for payment would be submitted to the federal level.

Legal Responsibility of Local School Boards

Section 6 (a)(4) of the bill provides that the local educational agency must maintain annually updated, individualized written programs which are "developed and agreed upon" (see definition 9 under section 3) with parents and that disagreements thereon shall be subject to impartial due process hearings. In addition to these provisions regarding individualized programs, section 6 (a)(6) requires that due process hearings shall be afforded to determine changes in the educational placement of children and that independent educational evaluations shall be obtained for parents on request.

Although these provisions may have a certain emotional appeal, they also pose a serious interference with the operation and authority of the local educational agency.

Legally, the local educational agency is charged with the ultimate responsibility for educational policy within the community. Accordingly, any decision requiring the joint concurrence of parents in devising an "educational plan" (see definition 9) is axiomatically at variance with that responsibility.* In this regard, while consultation with the parents of special children is important, we do not believe that parental agreement should be required just because a child happens to be handicapped. Or restated, should the existence of a handicap create a right on the part of parents to determine the educational program for their children -- especially in cases where the handicap bears no relationship to either the academic capabilities of the child or to most aspects of the student's total educational program? Or even if such a relationship does exist, are school authorities less able to make final education decisions for these children (as opposed to joint decisions) than they are for culturally disadvantaged, bilingual, or any other group of children? There is a serious question whether joint decision-making regarding programs for handicapped children opens an equal protection argument to all other children that the educational element of their program should be individualized, as well as subject to joint development and agreement with parents.

Also, by requiring educational plans to be developed pursuant to joint "agreement" with parents, there is at least an implication that the parents on behalf of their children have a contractual right. Unless that implication is negated parents may then be inclined to seek the precise execution of their "agreements" in court -- regardless of the educational and overriding policy considerations of the local educational agencies to modify same. The potential cost and confusion associated with parental enforcement of seven million such contracts would result in total chaos for both the courts and public education systems if the extension of the parental "agreement" to handicapped children necessitated that the same rights be granted to the 43 million other children in the public school system. In this regard, it should be underscored that the House/Senate conferees in their recent work on S. 1539 solidly rejected an amendment to the General Education Provisions Act which would have placed similar contractual rights within the powers of the U.S. Commissioner of Education.

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*In speaking of educational responsibility, we are including the local board's governmental responsibility to the community at large, as well as to the individual students who are served. Educational policy decisions must frequently take into account such factors as unemployment, the local economy and other trends which relate to the tax base and future community support. These legitimate governmental concerns cannot be given their proper due if programs must be developed on a joint two-party basis with parents.

As noted, section 6(a)(4) also provides that when a parent and the local educational agency are in disagreement, there shall be an impartial hearing which is binding on the parties pending administrative or judicial review. Although this provision is quite unclear, it does seem to suggest that the school board must subject its educational policy decisions to some form of binding arbitration or other third party review. Simply stated, as a matter of state law and sound governmental policy this is a step which is highly objectionable -- particularly if other children can argue that the failure to extend such a procedure to them is a denial of equal protection. Furthermore, the question is raised whether the courts are really in a position to make substantive educational judgements. Perhaps in recognition of the Pandora's box which would be opened, the courts to date have avoided passing judgment on education programs per se -- as opposed to questions relating to the exclusion of pupils from programs.

Without belaboring the point, many of the aforementioned problems would also arise if impartial-due process hearings were permitted for the purpose of determining the educational placement and providing independent educational evaluations for handicapped children.

In objecting to these provisions, we are not at all suggesting that school authorities should have the unilateral right to arbitrarily exclude handicapped children from either regular or special classes. We are only suggesting that to gain acceptance, the program will have to be made compatable with the responsibilities and management concerns of local boards of education.

Miscellaneous Problems

For the purposes of counting children within a state in order to determine that state's allotment, uniform federal standards should apply with respect to a) defining the parameters for the various subcategories of eligible handicap, and b) the methods by which individuals are determined to have the kind (or severity) of handicap to be included within an eligible subcategory, and c) the rate of payment for each subcategory. Section 6 (d) may intend all these results by providing that the U.S. Commissioner shall prescribe basic criteria including "uniform criteria for determining the handicapped children to be served" and "uniform criteria to be used by the state in determining categories of expenditure."

However, since section 6(d) is not absolutely precise as to whether it includes both of the first two results, we urge a clarification of intent.

Section 6(a) provides that an eligible state must have "in effect a policy which assures all handicapped children the right to a free appropriate public education." Although it is a difficult decision to make, the fact cannot be ignored that some children by the nature or severity of their disability cannot really benefit from this service. In some situations, this compulsory policy may actually be against the child's interest. Finally, there is the cost factor. While the concept of a specialist operating on a "one-on-one" basis in a hospital, or in the child's home, should not be ruled out categorically, it is financially unrealistic to make that requirement an absolute condition for eligibility.

Unfortunately -- but presumably -- this program will not be fully funded, particularly in its first years of operation. Accordingly, the bill should state that in such event entitlements shall be reduced proportionately.

Administration's Position

In its testimony on June 17, 1974, the Administration urged further analysis to ensure that each level of government would fulfill its proper role under the proposed legislation. The Administration's concern was both fiscal and programmatic. While a full analysis of the Administration's position is beyond the scope of this statement, since the Administration's comments could significantly shape the future course of S. 6, a few observations should be made.

On the fiscal side, the basic question is whether the federal role in this area should shift from "capacity building to one of substantial support" -- particularly since states are experiencing budget surpluses and have general revenue-sharing funds at their disposal? Programmatically, the Administration's basic concerns are that education programs for the handicapped a) should be integrated with other services, b) should not "tag" recipients, and c) should cost account types and severities of handicaps.

We believe that the Administration has raised legitimate concerns which require closer examination.

Fiscally, while it may be true that state and local governments are experiencing an estimated $5.5 billion surplus in calendar year 1974, it is unrealistic to expect that each unit of government can commit their respective surpluses solely to the education of the handicapped -- regardless of the priority involved. Other needs must be satisfied, including those wherein the state has no discretion but to spend. For example, in the area of school finance, state courts are ordering greater equalization of expenditures. According to an Advisory Commission on Intergovernmental Relations staff study, three years ago it would have cost the states an additional $6.9 billion to equalize per pupil expenditures to the 90th percentile expenditure rate in each state.

Although general revenue sharing has provided some assistance to education, those millions of dollars do not go very far in terms of the more than $50 billions which are currently expended by public education, or in terms of the $3 billion of new money required to meet the objectives of S. 6. In this regard, U. S. Treasury figures indicate that the states spent 65 percent of their revenue sharing funds on education during the period of January 1, 1972 through June 30, 1973. Using these figures, the Administration stated that 39 percent of that 65 percent (or $250 million) went for new educational services. However, new services include higher education and occupational adult manpower training, in addition to elementary and secondary education. Given soaring costs in higher education, it would not be surprising if the states' higher education apportionment of general revenue sharing funds for new education services exceeded the one-third ratio which they expend from their own resources. In the absence of any breakdown on this point, it would probably be generous to estimate that during the period in question, general revenue sharing contributed more than $125 million for new elementary and secondary services -- of which the education of the handicapped is but one component.*

The point is, in terms of fiscal capacity and general revenue sharing, there are just so many ways a pie can be sliced among important services -- all of which require greater funding. In addition, we reject the view that the federal government should abstain from providing a supportative role for the handicapped, as one such service, just because the need falls uniformly throughout the country.

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*Since independent school districts are ineligible to receive general revenue sharing funds directly and since the relatively small number of dependent school districts can only use revenue sharing for capital expenditures, services for the handicapped were probably nonexistent from the one percent or so spent by local units on education.

With respect to the program itself, we share the Administration's view that handicapped children should not be "tagged." However, there is a difference between counting children and tagging them in a personally harmful way. Moreover, where physical handicaps are involved, a child is more apt to be aware of his situation before the program is implemented than, say, a poor culturally disadvantaged child. Similarly, he is more apt to be aware that he is receiving special services.

An accountability process, the continuation of demonstration projects, and uniform standards in counting and testing children can prevent inefficiency and overestimates of need on the part of state and local units.

We regard the Administration's concerns over cost accounting, distinctions between start-up and maintenance costs, and related issues as important problems -- but technically resolvable.

Finally, the Administration has expressed concern that "the bill fails to consider the broad problem of integrating service delivery to handicapped people." That is, "S. 6 would increase the level of educational support as opposed to rehabilitative, medical or diagnostic services without examining the states' current delivery system. . . ."

While less than wholly integrated service is better than no service, NSBA agrees that the bill would be even more promising if a greater coordination of services were included.* Presumably, the bill as currently drafted does intend that individualized programs would be developed in consultation with physicians and other facilities attended by the child. In this regard, among the public service facilities to which handicapped children can avail themselves, in most instances the public school would be that center which is best suited for coordinating activities. With respect to funding such non-educational activities as rehabilitative, medical or diagnostic services, a real problem may exist in those instances where those services are needed. Perhaps statistics can be developed to show the numbers of handicapped children who need such treatment and the extent to which the states are currently providing same. Perhaps if there is a need, the federal government will provide assistance in those areas as well as assistance for the educational services authorized in S. 6 -- including assistance for the coordination of activities.

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*In making this statement, NSBA does not intend to pass judgment on the Allied Services Act.

Conclusion

As noted at the outset, NSBA urges the federal government to assume a supportative role for the education of the handicapped which is of the magnitude suggested by S. 6. However, for the purposes of good management and maximizing the best talents of each level of government, the program must a) require forward funding b) distribute funds pursuant to a congressionally determined local entitlement formula, c) recognize that the development of programs with the joint agreement of parents -- and other related provisions -- are not feasible in terms of the overall responsibilities of school systems, and d) encourage states and localities to integrate their educational activities with the other services which are being provided to handicapped children. In withholding our support for S. 6 until the foregoing problems are reconciled, we encourage the Committee to continue its commitment in this most important area.

EXECUTIVE OFFICE
STATE OF MISSOURI
JEFFERSON CITY

CHRISTOPHER S. BOND
GOVERNOR

July 18, 1974

The Honorable Harrison Williams, Chairman
Senate Labor and Public Welfare Subcommittee
for the Handicapped
Room 4230, New Senate Office Building
Washington, D. C. 20510

Dear Senator Williams:

Mr. Richard E. Merritt of the National Legislative Conference has called to my attention consideration by the Senate Labor and Public Welfare Subcommittee for the Handicapped of federal legislation regarding education of handicapped children. I hope that information pertaining to Missouri's experience in special education may be of value to the Subcommittee.

The primary responsibility for fulfilling the educational needs of all children and youth clearly rests with the states. In 1973, the State of Missouri began to take great steps to meet the very real problem of thousands of handicapped children who were not receiving appropriate educational services, and, in some instances, no services at all, by enacting comprehensive legislation dealing with special educational services. Although Missouri had progressed over the years in serving handicapped children, it was clearly recognized that further steps needed to be taken in order to assure all handicapped children appropriate educational services as an integral part of the public school system in Missouri.

Enclosed please find a copy of Missouri's Special Education Act of 1973. Several provisions of this lengthy and complex measure merit particular attention. Firstly, the Act begins with a forceful statement of the policy of the State of Missouri to provide directly, or through local schools, as an integral part of Missouri's system of gratuitous education, educational services sufficient to meet the needs and maximize the capabilities of handicapped children. A second essential provision declares that no child may be denied services because of his handicapping condition. There is a further mandate that, to the maximum extent practicable, handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes.

Under this measure, local districts must provide appropriate programs or arrange for them through contractural services if necessary. The State Department of Education is authorized to provide services to "severely handicapped" children through state schools operated by the Department. State categorical assistance for special education is increased, and districts are also eligible to receive state assistance for pre-school programs for handicapped children. Finally, the Act establishes an administrative and judicial review process through which parents of handicapped children may appeal decisions which are made by school authorities about the assignment of their children.

As finally passed by the legislature, implementation of the Act was phased over a two year period. Full implementation will begin with the 1974-75 school year. This year was devoted to conducting the first comprehensive annual census of handicapped children in the state and the promulgation of rules and regulations by the State Board of Education to guide local districts and state officials in establishing programs under the Act.

We in Missouri now have the experience gained from taking the first annual census of handicapped children under the age of 21. Under the law, responsibility for conducting the census rests with the local district with financial assistance from the state. The census this year identified over 134,000 handicapped children, including more than 34,000 school age children who are in need of special educational services beyond what they are now receiving.

In addition to the census, seven public hearings were conducted by the State Board of Education regarding rules and regulations required to be developed under the law. Also enclosed is a copy of the recent standards and guidelines which have been issued by the State Board of Education.

With respect to funding, we will not know the full extent of the financial need until Missouri begins actual implementation of the new programs. It is important to note that state assistance is based upon an amount per class, depending upon the type of class. The new special education law sets no ceiling on the amount of funds that may be encumbered for special education at the state level. In fact, the present formula by which state funds are provided to local districts assures that the cost of state assistance for special education is met before the remainder of state assistarce for operational costs of the districts is distributed. In Fiscal Year 1973-74 Missouri spent $18,643,847 on special education at the state level. Certainly, with implementation of this new and comprehensive measure, expenditures at both the state and local level are expected to increase.

As Missouri approaches the first year of full implementation under the new Special Education Act, we will have taken a major step forward in improving educational opportunities for all children. We will be pleased to provide the Subcommittee with any additional information regarding Missouri's special education efforts.

Sincerely yours,

Christopher S. Bond
GOVERNOR

CSB:atm

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 474

77TH GENERAL ASSEMBLY

AN ACT

To repeal sections 163.151, 167.041, 178.010, 178.020, 178.030, 178.040, 178.047, 178.050, 178.060, 178.070, 178.080, 178.090, 178.100, 178.110, 178.120, 178.130, 178.140, 178.150, 178.190, 178.200, 178.210, 178.220, 178.230, 178.240, 178.250, 178.260, 178.270, 178.680, 178.690, 178.705, 178.730, and 178.750, RSMo 1969, and sections 178.640, 178.650, 178.660, 178.670, 178.700, 178.710, 178.720, 178.740, 178.760, and 178.765 of House Bill No. 1096 as enacted by the second regular session of the seventy-sixth general assembly and approved by the governor on June 23, 1972, relating to the education of the developmentally disabled and other handicapped children and to enact seventy-three new sections relating to the provisions of educational services to certain handicapped children, with penalty provisions and with effective dates.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. In order to fully implement Section 1(a) of Article IX, Constitution of Missouri, 1945, providing for the establishment and maintenance of free public schools for gratuitous instruction of all persons in this State within ages not in excess of 21 years as prescribed by law, it is hereby declared the policy of the State of Missouri to provide or to require public schools to provide to all handicapped and severely handicapped children within the ages prescribed herein, as an integral part of Missouri's system of gratuitous education, special educational services sufficient to meet the needs and maximize the capabilities of handicapped and severely handicapped children. The need of such children for early recognition, diagnosis and intensive educational services leading to more successful participation in home, employment and community life is recognized. The timely implementation of this policy is declared to be an integral part of the policy of this State.

Section 2. As used in this Act, unless the context clearly indicates otherwise, the following terms mean:

(1) "Handicapped children," children under the age of 21 years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services in order to develop to their maximum capacity;

(2) "Severely handicapped children," handicapped children under the age of twenty-one years who, because of the extent of the handicapping condition or conditions, as determined by competent professional evaluation, are unable to benefit from or meaningfully participate in programs in the public schools of a regular or special nature.

(3) "Gifted children," children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum.

(4) "Special educational services," programs designed to meet the needs and maximize the capabilities of handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling, itinerant, homebound

and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.

Section 3. 1. No child may be denied services provided by this Act because of his handicapping condition.

2. To the maximum extent practicable, handicapped and severely handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes. Impediments to learning and to the normal functioning of such children in the regular school environment shall be overcome whenever practicable by the provision of special aids and services rather than by separate schooling for the handicapped.

Section 4. The State Board of Education shall adopt after at least one public hearing has been held by the Commissioner of Education on each subsection of this section and upon his recommendation and, after consulting with recognized authorities in the field:

1. Standards to be used throughout the State of Missouri in determining whether children shall be defined under this Act as "handicapped children" or "severely handicapped children," together with regulations implementing these standards.

2. Regulations governing evaluation and reevaluation of handicapped and severely handicapped children prior to and during assignment in a special educational program provided, however, each child assigned to a special educational program shall be fully reevaluated on a regular basis.

3. Standards for approval of all special education programs established under the provisions of this Act including, but not limited to, the qualifications of professional personnel employed in such programs and the standards to be used in determining the assignment of each child requiring special

educational services to the program which best suits the needs of the child;

4. Regulations determining the number of enrolled children which constitute an approved special program including provision for approval by the State Board of Education of a program of less than the established number if, upon investigation by the State Department of Education and upon the recommendation of the Commissioner of Education, it is found a special need exists;

5. Regulations to be used in determining the eligibility of children in special education programs to attend less than a school day pursuant to Section 167.031, RSMo 1969, and in determining the amount of state aid to be paid on a pro rata basis for part-time attendance or programs.

Section 5. The State Commissioner of Education may appoint such state and area advisory committees as he deems necessary to review special educational services to handicapped and severely handicapped children and to consider any problems presented by the Commissioner of Education with respect to the provision of educational services to handicapped and severely handicapped children and to give advice thereon. Such committees shall include persons broadly representative of community organizations interested in the handicapped and severely handicapped, professions related to the educational needs of the handicapped and severely handicapped, and the general public. The members of such committees shall serve at the discretion of the Commissioner of Education.

Section 6. The board of education of each school district, including school districts which are part of a special school district, shall take or cause to be taken annually a special census of handicapped and severely handicapped children under the age of 21 residing in the district or whose parent or guardian resides in the district. The census shall include the name of the child, the parent or guardian's name and address, the birth date and the age of the child, and the handicapping condition or conditions. Where medical or other information is available it shall be used in establishing the handicapping condition or conditions or, if such information is not available, the statement of parents or other qualified observers of the child shall be accepted for the census report pending competent medical, psychological or other recognized evaluation. The census report shall be on forms provided by the State Department of Education and shall be forwarded to the Division of Special Services of the State Department of Education on or before May 15 of each year. The census may be a continuous census, but only those residing in the district as of May 1 of each year shall be reported. If the school district is in a special school district, a copy shall also be sent to the special school district. Should a district fail to make and submit such a census in the required form, the State Board of Education may withhold any State aid under either this Act or Chapter 163, Revised Statutes of Missouri, until such time as the census is received.

Section 7. 1. The board of education of each school district in this State, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for handicapped children 5 years of age or more residing in the district and may provide special educational services for handicapped children under the age of 5 years residing in the district.

2. Every local school district or, if a special district is in operation, every special school district shall obtain current, appropriate diagnostic reports for each handicapped child prior to assignment in a special program. These records may be obtained with parental permission from previous medical

or psychological evaluation, may be provided by competent personnel of such district or special district, or may be secured by such district from competent and qualified medical, psychological or other professional personnel.

3. Where special districts have been formed to serve handicapped children under the provisions of this Act, such children shall be educated in programs of the special district, except that component districts shall provide appropriate remedial reading programs to children where no other handicapping condition is discernible.

Section 8. 1. If a school district or special district fails or is unable to provide special educational services to each handicapped child as required in this Act, the district shall contract with a nearby district, or districts, or public agency or agencies for such special educational services. If the board of education of the district finds that no adequate program for handicapped children is available in nearby districts or through public agencies, it may contract with nonprofit organizations within the State which have programs meeting the standards established by the State Board of Education. If such district fails to contract for such services, the State Board of Education may contract for such services with a nearby district or districts or public agency or agencies. If the State Board of Education finds, after investigation by the State Department of Education, that no adequate program for handicapped children is available in nearby districts or through public agencies, the State Board of Education may contract with nonprofit organizations within the State which have programs meeting the standards established by the State Board of Education. Assignment of handicapped children under this section shall be made to a particular school or program which, in the judgment of the state department of education, can best provide special educational services to meet the needs of the child and such assignment shall be made upon the basis of competent evaluation. The State Board of Education may seek the advice of established and ad hoc advisory committees in developing standards for approving programs and costs of programs operated by nonprofit organizations.

2. Per pupil costs of contractual arrangements shall be the obligation of the district of residence, except districts which are part of a special school district, or special district of residence provided, however, that if the contract is with another district or special district, the district providing the services under contractual arrangements shall include children served under such contractual arrangements in determining the amount of State aid to which said district is entitled as provided in Section 68 of this Act and such State aid shall not be used in determining the total per pupil cost for which the district of residence is responsible. If the contract is with a public agency or a nonprofit organization, the district of residence shall be entitled to receive State aid as provided in Section 163.031, Revised Statutes of Missouri, and in Section 69 of this Act. Where the State Board of Education contracts for special educational services pursuant to subsection 1, the State Board of Education shall submit to the responsible district a bill for the per pupil cost payable by that district under the terms of this subsection. Failure of a district to pay such cost within 90 days after a bill is submitted by the State Board of Education shall result in the deduction of the amount due by the State Board of Education from subsequent payments of State moneys due such district or special district.

3. If the State Board of Education determines, after inspection by the State Department of Education and upon the recommendation of the Commissioner of Education, that handicapped children residing within the district may better be provided special educational services by the district or

special district of residence, the State Board of Education shall order said district to provide special educational services in accordance with this Act.

4. If the State Board of Education determines, after public hearing before the Commissioner of Education held in the school district on due notice, that the district has failed to provide special educational services in accordance with an order issued under Subsection 3 of this Section, the State Board of Education shall withhold all or such portion of the State aid under this Act and under Chapter 163, Revised Statutes of Missouri, as in its judgment is necessary to require said district to carry out its responsibility under this Act. The denial of State financial assistance hereunder may continue until the failure to provide special educational services is remedied.

5. No contract shall be made under this act contrary to the provisions of Article I, Section 7 or Article IX, Section 8 of the Constitution of Missouri.

Section 9. The district responsible for furnishing special educational services shall provide necessary transportation for all handicapped children residing within the district including transportation to and from contracted day classes notwithstanding the provisions of Sections 162.621 and 167.231, RSMo.

Section 10. State aid shall not be granted unless the professional personnel employed in special educational programs have been specially trained for work in the programs and the amount of such training shall be in accordance with regulations promulgated by the State Board of Education. In approving special education programs for State aid, the Department of Education shall determine that the quality of programming, the supportive staff and services, facilities, supplies and transportation are at least equal to that provided normal children attending school in the district. Supporting auxiliary personnel to assist teachers of handicapped and severely handicapped children may be employed in accordance with standards established by the State Board of Education.

Section 11. 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The State Board of Education shall determine standards for such programs. Approval of such programs shall be made by the State Department of Education based upon project applications submitted by July 15 of each year.

Section 12. 1. The State Board of Education shall provide special educational services for all severely handicapped children residing in school districts which are not included in special districts provided that such school districts are unable to provide appropriate programs of special instruction for severely handicapped children, however, this shall not prevent any school district from conducting a program for the special instruction of severely handicapped children, except that such program must provide substantially the same special educational services as would be provided in a school operated by the State Board of Education and such program must be approved by the State Department of Education in accordance with regulations established pursuant to Section 4 of this Act.

2. Special educational programs shall be established which are designed to develop the individual pupil in order that he may achieve the best possible adjustment in society under the limitation of his handicap.

3. When special districts have been formed to serve handicapped and severely handicapped children under the

provisions of this Act, severely handicapped children residing in school districts comprising the special district shall be educated in programs of the special district.

Section 13. 1. The State Board of Education shall establish schools or programs in this State sufficient to provide special educational services for all severely handicapped children not residing in special school districts or in other school districts providing approved special educational services for severely handicapped children which schools or programs shall be referred to herein as State schools for severely handicapped children.

2. The Missouri School for the Blind at St. Louis and the Missouri School for the Deaf at Fulton are within the Division of Special Services of the Department of Education. The State Board of Education shall govern these schools.

Section 14. 1. The State Board of Education (a) shall determine the type and kind of instruction to be offered and the number and qualifications of instructors and other necessary personnel in the State schools for severely handicapped children, the School for the Blind and the School for the Deaf provided, however, that the course of study of these schools shall be of a character to develop the mental, physical, vocational and social abilities of the pupils and to prepare those students capable of advancing for admission to post-secondary programs; (b) shall promulgate all rules and regulations governing enrollment, including that of assigning children to the most appropriate school or programs; and (c) shall determine and approve all policies for the operation of said schools or programs.

Section 15. The State Department of Education may assign severely handicapped children, except severely handicapped children residing in special school districts and in districts providing approved special educational services for severely handicapped children, to State schools for severely handicapped children, the School for the Blind or the School for the Deaf. Furthermore, the State Board of Education may contract for the education of a severely handicapped child with another public agency or with a private agency when the State Department of Education determines that such an arrangement would be in the best interests of the severely handicapped child. Assignment of severely handicapped children under this section shall be made to a particular school or program which, in the judgment of the State Department of Education, can best provide special educational services and such assignment shall be made upon the basis of competent evaluations; provided, however, the assignment may be appealed by a parent or guardian pursuant to Sections 60-66 of this Act. Children who are not residents of this State may be admitted to these schools if the schools have the capacity to receive them and upon payment of full tuition and costs as prescribed by the State Board of Education.

Section 16. The district of residence of each child attending a State school for severely handicapped children, or an institution providing contractual services arranged pursuant to Section 15, except school districts which are a part of a special district and except special school districts, shall pay toward the cost of the education of the child an amount equal to the average sum produced per child by the local tax effort of the district. The district of residence shall be notified each year, not later than December 15, of the names and addresses of pupils enrolled in such schools. In the case of a special district, said special district shall be responsible for an amount per child not to exceed the average sum produced per child by the local tax efforts of the component districts. The district of residence of the child's parents or guardians shall be the district responsible for local tax contributions required by this section.

Section 17. At the end of each fiscal year the State Department of Education shall determine the amount due from each school district under Section 16 and shall notify the local school board as to the amount of the district's obligation for the preceding school year. Upon receipt of the notice from the State Department of Education the local school board shall within 30 days remit to the State Department of Education, from either the teacher or incidental funds of the district, the amount due the State. The State Department of Education shall deposit the moneys with the State Treasurer.

Section 18. If any district fails to remit to the State Department of Education the amount due, in accordance with the provisions of Section 17, the amount shall be deducted from the next regular apportionment of State funds to the district.

Section 19. If a special school district is formed, it may contract with the State Board of Education to provide special educational services for severely handicapped children residing in the special district.

Section 20. The State Board of Education shall provide reasonable transportation for children who attend day schools or programs operated by the Board, and the State Board of Education may provide transportation for children who receive special educational services in other state operated schools or in programs operated through contract by the State Board of Education as provided in Section 15.

Section 21. The State Board of Education shall appoint a section head and the other personnel to implement, effectuate and supervise programs for severely handicapped children.

Section 22. The State Board of Education, upon the recommendation of the State Commissioner of Education, shall appoint the Superintendents of the Missouri School for the Blind and the Missouri School for the Deaf. All teachers, officers and employees of the schools shall be appointed by the State Board of Education upon the recommendation of the Superintendent of the respective school and of the State Commissioner of Education. The State Board of Education shall determine the number of teachers and employees and shall also fix their compensation. The salaries and wages due teachers, officers and employees of these schools shall be allowed and paid monthly.

Section 23. The Superintendents of the Missouri School for the Blind and the Missouri School for the Deaf shall transmit to the State Board of Education reports containing information that the Board desires.

Section 24. The Superintendent of the School for the Blind shall have the eyes of every pupil admitted to the school carefully examined by the school physician or a certified ophthalmologist. If, upon examination, it appears that by medical treatment or by surgical operation sight may be improved or restored, the Superintendent, after obtaining the consent of the parents or guardian of the pupil when it is practicable to obtain their consent, shall institute the medical treatment or shall have the surgical operation performed which in his judgment is practicable and advisable. If the treatment or operation is successful, the pupil shall be discharged from the school as soon thereafter as is practical.

Section 25. The State Board of Education shall have the care and control of all property, real and personal, necessary for the operation of the State schools for severely handicapped children, the School for the Blind and the School for the Deaf. The State Board of Education shall not sell or in any manner dispose of any real estate purchased by tax moneys belonging to the schools without an act of the General Assembly authorizing the sale or other disposition. The State Board of Education may sell, convey, exchange or convert into money property of any nature, real, personal or mixed, acquired from individuals or corporations by grant, gift, bequest, devise or donation to these schools or any of them.

Section 26. The State Board of Education may acquire by purchase, lease, gift, bequest, eminent domain, or otherwise, all necessary lands, buildings or equipment, including transportation facilities, for the use and benefit of the Missouri School for the Blind, the Missouri School for the Deaf and the State schools for severely handicapped children. Whenever the Board selects property or additional property for school purposes and cannot agree with the owner thereof as to the price to be paid, or for any other cause cannot secure a title thereto, the Board may proceed to condemn the property in the manner provided in Chapter 523, RSMo, and on such condemnation and payment of the appraisement as provided, the title to the property shall vest in the State Board of Education for the use and benefit of the school or schools for which it was required.

Section 27. The State Board of Education may receive and administer any grants, gifts, devises, bequests or donations by any individual or corporation to the State schools for severely handicapped children, or any of them, the Missouri School for the Blind or the Missouri School for the Deaf. Grants, gifts, devises, bequests or donations made for a specified use shall not be applied either wholly or in part to any other use.

Section 28. 1. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the Missouri School for the Blind or income received or earned on property so acquired, at the discretion of the State Board of Education, may be deposited in the State treasury and credited to a special fund known as the "School for the Blind Trust Fund," which is hereby created, or may be invested or reinvested by the State Board of Education for the Missouri School for the Blind in bonds, stocks, deeds of trust or other investment securities in the amounts and in the proportions that the State Board of Education prudently selects.

2. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the Missouri School for the Deaf or income received or earned on property so acquired, at the discretion of the State Board of Education, may be deposited in the State treasury and credited to a special fund known as the "School for the Deaf Trust Fund," which is hereby created, or may be invested or reinvested by the State Board of Education for the Missouri School for the Deaf in bonds, stocks, deeds of trusts or other investment securities in the amounts and in the proportions that the State Board of Education prudently selects.

3. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the State schools for severely handicapped children or income received or earned on property so acquired, at the discretion of the State Board of Education, may be deposited in the State treasury and credited to a special fund known as the "Handicapped Children's Trust Fund," which is hereby created, or may be invested or reinvested by the State Board of Education for the respective schools in bonds, stocks, deeds of trust or other investment securities in the amounts

and in the proportions that the State Board of Education prudently selects.

4. The moneys in the School for the Blind Trust Fund, in the School for the Deaf Trust Fund or in the Handicapped Children's Trust Fund shall not be appropriated for the support of the schools in lieu of general State revenues but shall be appropriated only for the purpose of carrying out the objects for which the grant, gift, donation, devise or bequest was made.

5. The State Board of Education shall make an annual report in writing to the Governor, Comptroller and the General Assembly, on or before the first day of February of each year in which the General Assembly convenes in regular session, of all moneys in the trust funds referred to herein and of all moneys administered by it pursuant to this Section. The report shall include the amount of all receipts and disbursements, the name of the depositary and investment officer, a description of the securities or other investments being administered, and the plans and projects contemplated by the State Board of Education for use of the moneys.

Section 29. 1. There shall be a board of advisors for the Missouri School for the Deaf and for the Missouri School for the Blind, each composed of five members, appointed by the Governor with the advice and consent of the Senate.

2. The members of each board shall hold their office for the term of four years and until their successors are appointed and qualified.

3. The boards shall act in an advisory capacity in regard to the maintenance, operation, management, control and all other matters relating to the conduct and improvement of the Missouri School for the Deaf and the Missouri School for the Blind.

Section 30. The board of advisors for each school shall meet bimonthly. At the regular meeting following the appointment of new members, each board shall organize by electing one of its number President and one Vice President and shall elect such other officers as it deems necessary. Three members of the board constitute a quorum but no business shall be transacted unless the majority of the whole board votes therefor.

Section 31. Each member of the board of advisors of the School for the Blind and of the board of advisors of the School for the Deaf shall receive as compensation for his services the salary of one hundred dollars per annum and his actual expenses.

Section 32. 1. The Commissioner of Education shall appoint such State and area advisory committees as are needed to make recommendations for the various State schools for severely handicapped children.

2. The members of these advisory committees shall serve at the discretion of the Commissioner of Education.

Section 33. No employee of the State schools for severely handicapped children, the Missouri School for the Blind or the Missouri School for the Deaf shall keep for sale or be interested, directly or indirectly, in the sale or exchange of any school furniture or apparatus, books, maps, charts, stationery, or other property or food used in the schools. Any employee found to be so interested, upon conviction, shall be adjudged guilty of a misdemeanor.

Section 34. In all areas of this State the voters may organize and create a special district for the primary purposes of (a) educating and training handicapped and severely handicapped children resident within the special district and (b) providing vocational education for residents of the special district.

Section 35. Special school districts already in existence when this Act takes effect are not effected by the organizational provisions included herein but shall operate henceforth under the provisions of this Act.

Section 36. Whenever there is presented to the State Board of Education a petition signed by eligible voters in each district in the proposed special district equal in number in each district to five percent of the number of votes cast for school board members in the last annual school election praying (a) that a special school district embracing the entire area described in the petition be organized for the education and training of handicapped and severely handicapped children and for vocational education purposes and (b) that a proposal be submitted to the voters of the proposed district for the organization of the special school district, the State Board of Education, unless Section 38 applies, shall, within 30 days of the receipt of said petition, direct the board of education of each school district comprising the proposed special district to cause the proposal to be submitted to the voters in each such district at the next annual school election or, if the next annual school election is more than 60 days away, cause the proposal to be submitted to the voters in each such district at a special election called in accordance with law on a date set by the State Board of Education. The election, including the publishing of notice, shall be conducted in each school district comprising the proposed special district in the manner provided by law for the conducting of school district elections generally and Sections 162.351 and 162.601, RSMo, unless a different procedure is specifically provided in this Act.

Section 37. A special school district organized under the provisions of this Act may include more than one school district and may be established irrespective of county boundaries. The boundaries of a special school district organized under the provisions of this Act shall coincide with the boundaries of the school districts included in the special district and the special school district shall be in addition to the school districts comprising the special district.

Section 38. Where a petition for a special district proposes a district whose boundaries do not coincide with county boundaries at all points, the petition shall be reviewed and approved by the State Board of Education before submission to the voters. In addition to the petition, a feasibility study shall be presented to the State Board of Education. The study shall include and the State Board shall consider the proposed district's feasibility as to need, financial adequacy, number of students, other available services in the vicinity, and the needs of surrounding districts not included. Where the proposed district has a population in excess of one hundred thousand, there shall be presented to the State Board of Education a plan for dividing the area of the proposed special district into six election districts of equal population taking into account, insofar as possible, the existing school district boundary lines. Upon approval by the State Board of Education or, if no action is taken by the State Board of Education, after the expiration of 60 days from the date the petition is received by the State Board of Education, the State Board of Education shall direct the board of directors of each school district comprising the proposed special district to cause the proposal to be submitted to the voters in each district in accordance with Section 36 of this Act.

Section 39. The ballot used in the election shall be in substantially the following form:

PROPOSITION

Shall there be organized a special school district comprising the school districts of .... (described by school district name and/or number), State of Missouri, for vocational education and for the education and training of handicapped and severely handicapped children, embracing the entire area of these school districts, having the power to impose a property tax not to exceed the annual rate of twenty-five cents on each hundred dollars assessed valuation, and any additional tax that is approved hereafter by vote thereon, and to be known as "The Special School District of ," as prayed for by a petition filed with the State Board of Education on the day of , 19 ?

For the special school district and a tax not to exceed $.25 ☐

Against the special school district and a tax not to exceed $.25 ☐

(Instruction to voters: Place a cross mark (X) in the square of your preference.)

Section 40. 1. The results of the balloting at each polling place shall be certified by the judges and attested by the clerks and transmitted to the State Board of Education and to the board of education of each school district comprising the proposed special district, immediately upon tabulation following the closing of the polls. The proposal to organize the special school district, to carry, must receive a majority of the total number of votes cast thereon in the area comprising the proposed special district. The State Board of Education from the results so certified and attested shall determine whether the proposal for the organization of the special school district has received a majority of the votes cast and shall certify the results to the board of education of each school district comprising the proposed special district. If the certificate shows that the proposition to organize the school district has received a majority of the votes cast, the State Board of Education shall then declare the special school district organized.

2. If the proposal to organize the special district is ap-

proved, the State Board of Education shall, within 30 days of the date of approval, call an election in the special district at which the board of education of the special district shall be elected provided, however, the date for such an election shall not be more than 90 days after the date of approval.

Section 41. The costs of the election in each school district comprising the proposed special district on the question of whether a special school district shall be organized shall be paid by each school district comprising the proposed special district.

Section 42. 1. The board of education of a special school district shall consist of six members to be elected as provided in this Act. In addition to the duties required of boards of education of special school districts under this Act, the board shall perform the same duties and is subject to the same liabilities as the board of a six-director school district, other than an urban district, acting under the general school laws of the State of Missouri.

2. The board of education of a special school district shall have the power, in addition to powers granted elsewhere in this Act and in addition to powers granted to the boards of education of six-director school districts, other than urban districts, under the general school laws of State, to:

(a) establish and operate programs for the education of handicapped and severely handicapped children residing in the district subject to rules and regulations of the State Board of Education and the State Department of Education promulgated pursuant to this Act;

(b) establish and operate programs for the vocational education of residents of the district;

(c) employ teachers and other personnel necessary to provide these programs, and

(d) do such other things as are necessary and incidental to any of the foregoing powers whether set forth in this Act or in the laws applicable to six-director school districts, except urban districts.

Section 43. Candidates for membership on the board of education shall be citizens of the United States and resident taxpayers of the proposed district who have resided within the State for one year next preceding the election and who are at least 24 years of age. All candidates shall file their declarations of candidacy with the Secretary of the State Board of Education at least 30 days prior to the election.

Section 44. 1. The board members shall be elected at large unless the district has a population in excess of one hundred thousand. In such event, the State Board of Education, prior to calling the election, shall divide the area of the special school district into six election districts of equal population, taking into account insofar as possible the existing school district boundary lines, and the voters of each election district shall elect one board member who shall be a resident of the election district. If the board members are elected at large under this Section, the six receiving the largest number of votes shall be elected and the two receiving the highest number of votes cast shall be elected for terms of three years each; the two receiving the next highest number of votes cast shall be elected for terms of two years each; and the two receiving the next highest number of votes cast shall be elected for terms of one year each. If board members are elected from election districts under this section, the State Board of Education, prior to the election, shall number the districts by lot one to six inclusive. Members elected from districts one and two shall serve for terms of three years; members elected from districts three and four shall serve for terms of two years; and members elected from districts five and six shall serve for one year. That part of the year between the date of the election of board members and the first Tuesday of the following April is considered a full year in the terms of the members elected. All board members shall serve until their successors are elected and qualified and the State Board of Education shall issue certificates of election to the board members elected.

2. In all special districts divided into election districts as provided in Subsection 1 of this Section, the board of education of the special district may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider redistricting the special school district. Upon adoption of any such resolution, the secretary of the board of education shall forward a certified copy thereof to the State Board of Education with the request that a redistricting committee be appointed in order to redistrict the special school district. The redistricting committee shall consist of three residents within the district, appointed by the board of education of the special district, plus three additional persons resident within the special district, appointed by the State Board of Education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan. Notwithstanding the above, the board of education shall, within 90 days following the publication of the decennial census figures, adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption the redistricting committee shall forward a copy of the plan certified by the Secretary of the redistricting committee to the State Board of Education for its approval or disapproval. The State Board of Education shall approve any redistricting plan which divides the special district into six election districts of equal population, taking into account insofar as possible exist-

ing school district boundary lines. Upon approval by the State Board of Education, the redistricting plan shall become effective and all board members elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. If a redistricting plan has not been adopted within one year after the publication of the decennial census figures, the members of the board of education shall run at large. No member of the redistricting committee shall serve on the board of education for a period of six years following their service on the redistricting committee.

Section 45. 1. The election of board members shall be conducted by each school district comprising the special district in accordance with the provisions of Sections 36 and 41.

2. The results of the balloting at each polling place shall be certified by the judges and attested by the clerks and transmitted to the State Board of Education and to the board of education of each school district comprising the special district, immediately upon tabulation following the closing of the polls. The State Board of Education, from the results so certified and attested, shall determine the members elected to the board of education and shall issue certificates of election to the persons entitled thereto.

Section 46. When the new district is organized, it shall be a body corporate and political subdivision of the State and shall be known as "The Special District of ..." (a name selected by the governing board) and, in that name, may sue and be sued, levy and collect taxes within the limitations of the Constitution and Section 55 of this Act, issue bonds and possess the same corporate powers as six-director school districts other than urban districts. All constitutional provisions and laws applicable to the organization and government of six-director school districts, other than urban districts, are applicable to districts organized prior to the passage of this Act.

Section 47. The board of education of the special district may establish schools within any school district comprising the special district for any of the children designated in this Act and may establish programs for any such children within any school district included in the special district in classrooms furnished by the school district, if the number of children available for instruction in such classrooms is sufficient under standards determined by the State Department of Education.

Section 48. The determination of whether a child is eligible for the programs of the special district for the handicapped or severely handicapped shall be made by the special district in accordance with rules and regulations adopted by the State Board of Education pursuant to Section 4.

Section 49. If a special district is organized in any area of this State under the provisions of this Act, neither the State Board of Education nor any school district within the special district shall be required to establish schools or classes for the training or education of handicapped or severely handicapped children under any other existing law.

Section 50. The special school district shall provide free vocational instruction for children under the age of 21 years resident within the district's boundaries. The vocational program of instruction shall be approved by the State Department of Education and shall be so designed as to provide sufficient vocational and academic training for the student to receive a high school diploma at the completion of the twelfth grade. The board of education of the special school district, subject to the approval of the State Department of Education, shall establish standards for admission to vocational programs operated by the district.

Section 51. 1. The board of education of each special school district shall provide for the free transportation of all children under the age of 21 years residing in the special district who attend its classes or schools and shall make all needed rules and regulations for the free transportation of these children.

2. A special school district is entitled to State transportation aid under Section 70 of this Act for handicapped and severely handicapped children and under Section 163.161, Revised Statutes of Missouri, for children attending the vocational education program of the special district.

Section 52. Any special school district may, at the discretion of its board of education and upon the request of component local districts, serve as a coordinating agency for cooperative activities including but not limited to group purchasing, centralized computer services, audiovisual services and library services for the school districts served by the special district.

Section 53. The voters of each district comprising a special school district shall vote by ballot upon all questions provided by law for submission at school elections, which are applicable to special school districts, on the first Tuesday in April after the special organization election and on the first Tuesday of April every year thereafter. Notice of all elections shall be given by the board of education of the special school district by publication in at least one newspaper of general circulation within the special district once a week for three consecutive weeks, the last insertion to be no longer than one week prior to the date of the election. At the elections the voters of the special district shall elect, by ballot, two board members to succeed those whose terms have expired and the board members so elected shall hold office for terms of three years and until their successors have been elected and qualified and shall assume the duties of their offices at the first regular meeting of the board of education held after their election. If the board members are elected from election districts under Section 44 of this Act, then successors to those board members whose terms expire shall be selected, by ballot, at the annual election by the voters resident in the election districts in which the board member whose term has expired was resident and the board members so elected shall hold office for terms of three years each and until their successors have been elected and qualified. Candidates shall file their declarations of candidacy for office of board member with the secretary of the board of education of the special school district at least 30 days prior to the date of the election. The board of education shall cause ballots to be printed and distributed at the expense of the special school district and the elections shall be held at the same time, in the same places, in the same manner and by the same officials as elections for board members in the school districts comprising the special district. Within 24 hours after the election, the clerk of each school district shall certify to the board of education of the special school district the total number of votes cast for each candidate and the votes cast on all questions submitted. Within 48 hours thereafter, at least a majority of the then qualified members of the board of education of the special school district shall jointly tabulate the results so received and shall declare and certify the candidates receiving the greatest number of votes for terms of three years each and until their successors shall have been elected and qualified, and shall declare and certify the results of the vote cast on any question presented at the election.

Section 54. 1. The board of education of a special school district may acquire by purchase, lease, gift, bequest, eminent domain or otherwise all necessary lands, buildings, equipment, and supplies including transportation facilities, to carry out its responsibilities under this Act. Whenever the board of education selects property or additional property for school purposes and cannot agree with the owner thereof as to the price to be paid, or for any other reason cannot secure a title thereto, the board may proceed to condemn the property in the manner provided in Chapter 523, Revised Statutes of Missouri, and upon such condemnation and payment of the appraisement as provided, the title to the property shall vest in the special school district.

2. The board of education of a special district may locate the sites of schools, offices, playgrounds and other necessary facilities at such places within the district as it deems in the best interests of the district.

Section 55. 1. The initial tax imposed on property subject to the taxing power of a special school district under Article X, Section 11 (a) of the Constitution shall not exceed the annual rate of twenty-five cents on each hundred dollars assessed valuation, which tax rate shall be used for the district's programs for the education and training of handicapped and severely handicapped children and for vocational education as provided by this Act.

2. Increases in the tax rate may be made with voter approval in the same manner as provided in Chapter 164, Revised Statutes of Missouri, for other school districts.

Section 56. All real and tangible personal property owned by railroads, street railways, bridge companies, telegraph companies, electric light and power companies, electric transmission line companies, pipeline companies, express companies, airline companies and other companies and public utilities whose property is assessed by the State Tax Commission shall be taxed at the same rate of taxation levied on other property in the special school district and said property shall be taxed in the same manner and to the same extent as property which is subject to assessment and taxation for general county purposes, and all of the provisions of Chapters 151, 153, 154 and 155, Revised Statutes of Missouri, shall apply to taxation by special school districts to the same extent as if special school districts were specifically included in the provisions contained in Chapters 151, 153, 154 and 155, Revised Statutes of Missouri, except that the taxes levied by special school districts shall not be included for the purpose of determining the average school levy for the other school districts in the county in which they are situated. The taxes levied against the property by special school districts shall be collected in the same manner as general county taxes.

Section 57. The Department of Education shall inspect all programs for the handicapped and severely handicapped established under the provisions of this Act and, upon its approval, the special school district shall receive State aid under the provisions of Sections 58, 68, 69 and 70 of this Act.

Section 58. 1. Each special district formed under provisions of this Act shall receive an amount for each pupil in average daily attendance equal to the sum of the amounts received by all districts comprising the special district for the preceding school year under provisions of Section 163.031, Revised Statutes of Missouri, divided by the total number of children of school age in average daily attendance in the schools of such districts during that year. A student enrolled in classes or programs in both the special district and a component district or a pupil enrolled in a local district who needs itinerant or temporary services provided by the special district shall continue his enrollment in the local district for purposes of apportionment of State aid on average daily attendance. The special district may include the pupil in classes approved for special categorical aid. The district providing transportation may claim State transportation aid.

2. The special school district is entitled to apportionment of State aid in the same manner as six-director school districts

even though the tax rate levied by the special school district is less than that required by Section 163.021, Revised Statutes of Missouri.

Section 59. The board of education of the special school district shall determine as nearly as possible the per capita cost of its programs and file the same with the State Department of Education. Upon approval thereof by the State Department of Education, the board of education of the special school district shall require of all resident students over 21 years of age and all nonresident students desiring to participate in the programs of the special school district a tuition fee in an amount approved by the State Department of Education.

Section 60. The board of education of the responsible local school district or of the responsible special school district or the State Department of Education shall notify every parent or guardian of every child diagnosed, evaluated, reevaluated or assigned under the provision of this Act of the results of any diagnosis evaluation or reevaluation made pursuant to the terms of this Act and of the recommended assignment, change in assignment, or denial of assignment of the child to a class or program provided under this Act. The notice shall be in writing, mailed to the last known address of the parent or guardian by certified mail, return receipt requested. The notice shall advise the parent or guardian that, upon request, the parent or guardian shall be permitted to inspect, at the school attended by the child or at another convenient place at any time during regular school hours, all records pertaining to said child including all diagnoses, evaluations and reevaluations obtained by the board of education or the State Department of Education. The notice shall also contain information as to the procedure for requesting a review of any action taken by the board of education or the State Department of Education.

Section 61. 1. The notification shall contain the information that upon written request to the board of education or to the State Department of Education made within 10 days of the date of the notification the parent or guardian will be entitled to a hearing on the action advised of in the notice. Such a hearing, if requested, shall be held not more than 30 days after receipt of the request. If no request for hearing is made, the assignment or other action shall be made.

2. The notification shall also contain the information that upon written request by the parent or guardian to the board of education or to the State Department of Education, whatever the case may be, at any time but not to exceed once per year, the board of education or the State Department of Education shall cause a reevaluation to be made.

Section 62. No change in the assignment or status of a handicapped or severely handicapped child shall be made within the period afforded the parent or guardian to request and obtain a hearing under Sections 61 and 64 except that such change may be made with the written consent of the parent or guardian. If the health or safety of the child or of other persons would be endangered by delaying the change in assignment, the change may be sooner made but without prejudice to any rights that the child and his parent or guardian may have pursuant to this Act or otherwise pursuant to law.

Section 63. The hearing provided for in Section 61 shall be conducted by the chief administrative officer of the school to which assignment has been made. The hearing shall be informal, witnesses need not be sworn, and a record of the proceedings need not be made. The school district or the State Department of Education shall see that the parent or guardian or their representative is advised of and permitted to review all diagnoses, evaluations and reevaluations obtained by the board of education or the State Department of Education which pertain to the child. The school district or State Department of Education shall fully advise the parents or guardian or their representative of each reason relied upon by it in taking the proposed action. The parents or guardian or their representative may present any information whether written or oral to the officer which pertains to the recommended action. Cross-examination shall be permitted.

Section 64. If a satisfactory solution is not reached at this hearing, the parent or guardian may appeal within 10 days to the board of education of the district or, in the case of a State school, to the State Board of Education. Not more than 30 days after receipt of the request for appeal, a hearing shall be held before either the board of education of the district or, in the case of a State school, before the State Board of Education. At least 14 days written notice shall be given to the parents or guardian of the child of the date, time and place of the hearing. The board of education of the district may designate a person or persons not directly connected with the original decision and the State Board of Education may designate a member of staff of the State Department of Education in Jefferson City to hold the hearing and to recommend to the board findings of fact and specific action based thereon. Findings of fact and a final decision shall be rendered by the board of education of the district or by the State Board of Education, as the case may be, at the earliest possible time but in no event longer than 30 days after the day the hearing is concluded.

Section 65. 1. At any hearing held pursuant to Section 64 of this Act, the parent or guardian or their representative shall be entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person and to be represented by counsel. Prior to the hearing, the parent or guardian or their representative shall have access to any reports, records, clinical evaluations or other materials upon which the action to be reviewed was wholly or partially based which could reasonably have a bearing on the correctness of the determination.

2. A complete record shall be made of all proceedings at this hearing which record shall include verbatim transcription of all testimony and shall include all documents, writings or other evidence presented by any party.

Section 66. The decision of the board of education of the district or the State Board of Education shall be final except that any person aggrieved by the decision may appeal as provided in Chapter 536, Revised Statutes of Missouri. A copy of the board's decision together with a copy of its findings of fact shall be mailed on the day the decision is rendered to the parent or guardian by certified mail, return receipt requested.

Section 67. 1. Handicapped children who are admitted to the programs or facilities provided by the division of mental health shall have a right to the services provided by this act, and shall not be denied admission to any appropriate public school or special school district program where the child actually resides, because he is admitted to the program or facility provided by the division of mental health, but nothing in this act shall prevent the division of mental health from providing or procuring such special educational services to such children. The school district. except school districts which are a part of a special school district, or the special school district of residence of the parent or guardian of every handicapped child for whom special educational services are provided or procured by the division of mental health, or the district which would otherwise be responsible for providing gratuitous education for such child, shall be responsible for per pupil costs for special education services for such child in an amount not to exceed the average sum produced per child by the local tax effort of the district.

2. Failure of a district to pay such amount to the Division of Mental Health within 90 days after a bill is submitted by the Division shall result in deduction of the amount due by the State Board of Education from subsequent payments of any State financial aid due such district and in the payment by the State Board of Education to the Director of Mental Health of the amount deducted.

Section 68. 1. Each school district or special school district maintaining one or more approved special programs for handicapped or severely handicapped children under the provision of this Act shall receive State aid at the rate of six thousand dollars for each approved class of children per term of 180 days as provided by Section 163.021, Revised Statutes of Missouri, except that approved classes for the educable mentally retarded shall be funded at four thousand five hundred dollars per approved class, and approved classes of remedial reading shall be funded at three thousand five hundred dollars per approved class. Such amounts shall be in addition to aid provided by Section 163.031, Revised Statutes of Missouri.

2. For approved classes of children under 5 years of age, but not under the age of 3, State aid shall be determined in accordance with the provisions of Section 163.017, Revised Statutes of Missouri, for all age levels. In addition, the district shall receive for each such class one-half the amount provided in Subsection 1 of this Section.

3. For approved programs for gifted children, State aid not to exceed half of the cost of instructional personnel and special materials listed and approved on the project application shall be apportioned.

4. An additional amount of $4,000 shall be received for each professional staff member, other than classroom teachers, who is employed to work full time with handicapped or severely handicapped children.

5. For classes of handicapped children, $2,000 shall be received for each full time teacher aide when such aide is employed in accordance with standards approved by the State Board of Education.

6. For the purposes of this Section, "class" shall mean a group of not less than 10 children except that fewer than 10 children may constitute a class when it is found necessary and advisable by the State Board of Education.

Section 69. Each school district or special district shall receive up to $800 per year for each homebound child, child receiving special services outside the special class, or child served by contractual arrangement with a private or public agency.

Section 70. Transportation aid for handicapped and severely handicapped students attending classes within the school district, special district or nearby district under a contractual arrangement shall be paid in accordance with the schedule set forth in Section 163.161, Revised Statutes of Missouri. In addition, an amount equal to half of the additional cost of transporting handicapped and severely handicapped children above the average per pupil cost of transporting all children of the district shall be apportioned where such special transportation is approved in advance by the State Department of Education and is in accordance with laws and regulations governing school transportation vehicles. If children are transported to regular public school programs and also to a special school for an appropriate special program, the district furnishing the transportation may qualify for transportation reimbursement for both programs if approved by the State Department of Education.

Section 71. For each child under the age of 21 enumerated annually on the census of handicapped and severely handicapped children, the district shall receive one dollar.

167.041. Section 167.031 applies to handicapped children and severely handicapped children, provided that such children receive special educational services as required by this Act. If instruction is provided at home, it must be substantially equivalent to instruction given the children of like development in special educational programs provided under this Act.

Section 72. In no event shall any sum in excess of two hundred fifty thousand dollars be expended from the state school moneys fund to implement the provisions of sections 1, 2, 3, 4, 5 and 6 of this act prior to July 1, 1974.

Section A. Sections 163.151, 167.041, 178.010, 178.020, 178.030, 178.040, 178.047, 178.050, 178.060, 178.070, 178.080, 178.090, 178.100, 178.110, 178.120, 178.130, 178.140, 178.150, 178.190, 178.200, 178.210, 178.220, 178.230, 178.240, 178.250, 178.260, 178.270, 178.680, 178.690, 178.705, 178.730, and 178.750, RSMo 1969, and Sections 178.640, 178.650, 178.660, 178.670, 178.700, 178.710, 178.720, 178.740, 178.760, and 178.765 of House Bill No. 1096 as enacted by the Second Regular Session of the Seventy-sixth General Assembly and approved by the Governor on June 23, 1972, are repealed.

Section B. Sections 1, 2, 3, 4, 5, 6 and 72 of this act shall become effective on September 28, 1973, and all other sections of this act shall become effective on July 1, 1974.

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Missouri

Special Education Services

Regulations, Standards and Procedural Guidelines

APPLICATION FOR PRELIMINARY APPROVAL OF A NONPROFIT ORGANIZATION TO CONTRACT WITH PUBLIC EDUCATIONAL AGENCIES

I. GENERAL STANDARDS

In the event a public educational agency is unable to provide special educational services directly within its facilities, it is permissible to contract with nonprofit organizations for such services in accordance with SECTION 162.705 RSMo. It is the purpose of this form to determine the eligibility of a nonprofit organization for preliminary contract approval with a local educational agency or State Department of Elementary and Secondary Education. Final approval will be pursuant to the submission to the State Department of Elementary and Secondary Education of a contract negotiated between the nonprofit organization and a local school district or State Department of Elementary and Secondary Education facility.

Before final approval for state support of a handicapped student in a non-profit private educational organization can be given, the State Department of Elementary and Secondary Education shall determine that (1) the quality of programming, supporting staff and services, facilities and supplies is at least equal to that provided students without educational handicaps in the contracting district, and (2) that the local district or special district or State Department of Elementary and Secondary Education facility cannot provide an appropriate educational program by any other reasonable alternative.

II. PROGRAM STANDARDS

A. The organization must offer proof of financial solvency and be capable of fulfilling its commitments for the education of eligible students enrolled in any or all courses.

B. A reasonable teacher-student ratio shall be established and maintained.

C. Good housekeeping must be maintained throughout the facility at all times.

D. The organization providing programs shall keep accurate and up-to-date class schedules, records, and reports.

E. The programs shall be in compliance with applicable local ordinances, state and federal statutes, licensing laws and regulations.

F. The organization shall furnish a detailed schedule of tuition, fees, and other charges.

III. PERSONNEL STANDARDS

State aid shall not be granted unless the personnel employed in the special program have been specifically trained for work in the area of responsibility for which they are charged. Professional personnel shall be subject to certification review and approval by the State Department of Elementary and Secondary Education. Ancillary and supportive staff shall be adequate to assist the professional staff.

IV. GENERAL INFORMATION

A. Legal Name of Organization ____________________

Address ____________________
Street City

State ____________ Zip ____________ Telephone ____________

B. Is organization incorporated? ____________ YES ____________ NO. If yes, please list office with title. ____________________

____

____

C. Does organization have a Board of Directors? ____________ YES ____________ NO. If yes, please list. How appointed or elected? ____________________

____

____

____

(Attach addendum if necessary.)

D. Is organization accredited by a licensing agency or board? ____________ YES ____________ NO. If so, please explain. ____________________

____

____

____

E. Fiscal information (sources of operating capital). List all funds available other than state educational monies. ____________________

____

____

____

(Attach addendum if necessary.)

F. Chief administrative officer:

Name ____________________ Title ____________________

Qualifications: Degrees held ____________________

Work experience

(Attach addendum if necessary.)

G. Professional staff involved with students. Include a separate sheet indicating instructor's name, social security number, degrees held, age, work experience, certification held, and subject area taught.

H. Admission requirements. Please give a brief narrative explaining admission policies for handicapped students.

I. Refund policy: Please indicate refund policy relative to unused portion of tuition and/or fees of students.

J. Is organization church affiliated? If so, please explain.

CERTIFICATION

I certify that to the best of my knowledge the information contained in this application is correct and complete and that the applicant agency named in Part IV has authorized me, as its representative, to give the above assurances and to file this application.

Name (Please Print)

Signature

Position Title

SEND COMPLETED FORM TO:

Director
Section of Special Education
Division of Special Education
State Department of Elementary
and Secondary Education
Post Office Box 480
Jefferson City, Missouri 65101

Foreword

The 77th General Assembly, First Regular Session, by enactment of House Bill 474 has declared it to be the policy of the State of Missouri to provide to all handicapped and severely handicapped students special educational services sufficient to meet their needs and maximize their educational capabilities. The needs of such students for early recognition, diagnosis and intensive educational services leading to more successful participation in home, employment, and community life are recognized.

The statutes require the State Board of Education to develop standards and regulations to be used throughout the State of Missouri in developing and implementing special education services.

The following pages provide a comprehensive review of regulations, standards, and procedural guidelines to assist school districts in providing services to students with special learning problems. For more than a year the people of Missouri have worked on the development of this document. Fourteen public and professional meetings were conducted throughout the state with impressive attendance and valuable assistance at every session.

It is hoped that you will find this information useful as we work for excellence in Missouri's special education program.

Arthur L. Mallory

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I.

Responsibilities for Special Education Services

The statutes provide specific responsibilities to educate handicapped students. The responsibilities of local school boards, special school district boards and the State Board of Education are listed below. Reference may be made to SECTIONS 162.700, 162.730, and 162.735 RSMo. for the specific language of the law.

A. Local Boards of Education

1. RESPONSIBILITIES FOR SERVICES TO HANDICAPPED STUDENTS -

a. Each local school district board of education (not a component of a special district) has the primary responsibility for guaranteeing an appropriate educational program for every handicapped student of school age residing within the district. In the event that needed services are not currently available within the district, it is the responsibility of the local board to provide appropriate services by district personnel or contractual arrangements.

b. Pertinent medical, psychological, educational and other such records must be obtained for each student prior to program placement and shall reflect the student's level of performance and expected academic growth. Formal reevaluation shall be provided as often as necessary to assure that the student's file is current and reliably reflects his development and placement. Such reevaluation shall occur at least once every three years.

The appropriate special education program shall be based on the results of professional evaluation and educational recommendations. The student's parents or guardians shall be advised of the results of the evaluation and the basis for assignment.

c. The local school board may provide appropriate special education programs for students three and four years of age. It is recommended that school boards provide preschool programs to students needing services.

2. RESPONSIBILITIES FOR SERVICES TO SEVERELY HANDICAPPED STUDENTS -

a. Responsibility for provision of appropriate educational programs for severely handicapped students not residents of a special district rests with the State Board of Education.

Local boards may and are encouraged to plan toward introducing and providing programs for severely handicapped students. However, since students in this category are scattered rather sparsely in many areas of the state and most existing state-operated schools for the severely handicapped serve more than one district, a local board planning to serve the severely handicapped student must coordinate its planning with and have approval from the State Department of Elementary and Secondary Education prior to implementing the program. Approval will be based on the quality of the local program which may be offered and the inclusion of students in surrounding districts which may not be able to provide a program. Consideration will also be given to the effect such approval would have on an existing program operated by the State Board of Education. A local school district identifying severely handicapped students among its school-age population shall refer these students to the Division of Special Education, State Department of Elementary and Secondary Education, unless that local school district provides a program for severely handicapped students. All referrals of students by local boards shall include census, diagnostic and other evaluative information available to the local district.

b. The district of residence of each student attending a state school for severely handicapped students or an approved institution providing contractual services (except school districts which are a part of a special district and except special school districts) shall pay toward the cost of the education of the severely handicapped student an amount equal to the average sum produced per student by the local tax effort of the district.

3. RESPONSIBILITIES FOR CENSUS AND PROGRAM REVIEW -

a. Each local board of education shall take or cause to be taken annually a special census of all handicapped and severely handicapped children and youth under 21 years of age residing in the district or whose parent or guardian resides in the district. In accordance with statutory provisions (SECTION 162.695 RSMo.) the census must be received by the State Department of Elementary and Secondary Education no later than May 15 of each school year.

b. Each local board of education shall review annually the strengths and needs of its educational program for handicapped students and take appropriate action in accordance with that survey. (See SECTION II.E - Self-Evaluation Guidelines.)

B. Special School District Boards of Education

1. RESPONSIBILITIES FOR SERVICES TO HANDICAPPED STUDENTS -

   a. Each special school district board of education has the primary responsibility for providing an appropriate educational program for every handicapped student of school age residing within the district. If needed services are not available or feasible within the special district educational program, the special district board, after certifying this information to the State Department of Elementary and Secondary Education, shall make appropriate contractual arrangements to guarantee needed educational services.

   b. Pertinent medical, psychological, educational and other such records must be obtained for each student prior to program placement and shall reflect the student's level of performance and expected academic growth. Normal reevaluation shall be provided as often as necessary to assure that each student's file is current and reliably reflects his educational development and indicates appropriate placement. Such reevaluation shall occur at least once every three years.

   c. The results of professional evaluation and educational recommendations shall determine the student's educational needs based upon the objective evaluation of such data. Program planning and the assignment of the student shall also be based upon these data. The student's parents or guardians shall be advised of the results of the evaluation and the basis for the assignment.

   d. The special school district board may provide appropriate special education programs for students three and four years of age. It is recommended that special district boards provide preschool programs to students needing services.

2. RESPONSIBILITIES FOR SERVICES TO SEVERELY HANDICAPPED STUDENTS -

   a. Responsibility for providing appropriate educational programs for severely handicapped students who are residents of a special district rests with the district board.

b. In the event that needed services are not available or feasible in its program, the special district board of education may contract for educational services with approvable public or private educational agencies in accordance with the state law and standards determined by the State Department of Elementary and Secondary Education. The fiscal obligation of the district board for contractual services shall include an amount per student not to exceed the average sum produced per student by the local tax efforts of its component school districts.

c. In the event contractual services are provided by a facility of the Missouri Division of Mental Health, the special district board shall be fiscally responsible for an amount not to exceed the average sum produced per student by the local tax effort of the special district.

3. RESPONSIBILITIES FOR PROGRAM REVIEW -

a. Each special district board shall review annually the strengths and weaknesses of its educational program for handicapped and severely handicapped students and authorize the development of classes and/or services for all students in accordance with that evaluation.

C. State Board of Education

1. The State Board of Education shall provide special educational services for all severely handicapped students residing in local school districts (not a part of a special district) provided that such school districts are unable to provide those students with instruction. This shall not prevent any school district from conducting a program for the special instruction of severely handicapped students, except that such programs must provide substantially the same special educational services as would be provided in a school operated by the State Board of Education, and the program must be approved by the State Department of Elementary and Secondary Education in accordance with established regulations. Special education programs established by the State Board of Education shall assist the total development of the individual student in order that he may achieve the best possible adjustment in society.

2. The State Board of Education shall establish a sufficient number of schools or programs to provide special educational services for all severely handicapped students not residing in special school districts or in other school districts providing approved special educational services for severely handicapped students.

3. The State Board of Education shall provide services for blind children at the Missouri School for the Blind in St. Louis. This facility shall provide a broad and individualized adaptive program of educational and vocational experiences to legally blind students in the state who otherwise are unable to meaningfully participate in a program for the visually impaired at the local level. Local school administrators and parents who are interested in this tuition-free, state-operated school should write to: Superintendent, Missouri School for the Blind, 3815 Magnolia Avenue, St. Louis, Missouri 63110.

4. The State Board of Education shall provide services for deaf children at the Missouri School for the Deaf in Fulton. This facility shall provide a broad program of educational and vocational experiences to deaf students in the state who otherwise are unable to meaningfully participate in a program for

the hearing impaired at the local level. Local school administrators and parents of deaf students who are interested in this tuition-free, state-operated school should write to: Superintendent, Missouri School for the Deaf, Fulton, Missouri 65251.

5. The State Board of Education shall provide for supervisory assistance and financial support to occupation-oriented sheltered workshop facilities operated by a not-for-profit corporation which, except for its supervisory staff, employs only handicapped and severely handicapped persons.

Sheltered workshops shall provide a controlled work environment and a program designed to offer the handicapped person employed normal life experiences and to help him develop his capacity, performance and relationship with others.

Any group desiring to establish a sheltered workshop eligible for state assistance should request a certificate of approval from the Division of Special Education, State Department of Elementary and Secondary Education.

Persons interested in obtaining employment in a sheltered workshop or otherwise receiving services or information from such a facility should contact the local sheltered workshop in their area.

II.

Guidelines for the Development of Special Education Services

To comply effectively with requirements of state law (SECTIONS 162.675, 162.695 and 162.700 RSMo.), each public school district shall develop a plan and implement educational services for handicapped students. Such a plan should include the screening and diagnosis of students' special needs, the analysis of the availability of teacher resources, an involved role of the regular classroom teacher, and structuring of job functions for effective program development.

There are four basic elements in a special education program:

1. Screening
2. Diagnosis
3. Instructional Service
4. Evaluation

It is the responsibility of districts to apply these four elements to their special education programs for handicapped students.

School district officials should consider the following statements as they initiate a comprehensive special education program:

1. Professional self-renewal is important for teachers and administrators. Schools need to enhance opportunities for utilizing teacher and staff strengths to solve common problems that confront teachers and students.
2. Teachers need to be encouraged to participate in the processes of screening, diagnosis, instructional service, and evaluation.
3. When teachers have an opportunity to participate in the decision-making process about decisions that affect them, they will better understand the problem and more effectively seek solutions.
4. Schools have many of the necessary resources for developing comprehensive special education programs. Many teachers are trained in areas other than their assignments, and such training or interest should be utilized in program development.
5. While it may be necessary for districts to purchase some special educational services, it is usually more appropriate for a district to develop its own procedures for screening, diagnosis, instructional services, and evaluation. Such capability permits greater interaction by a number of specialists, enabling the teachers responsible for implementing

"an educational" prescription* to combine their skills in developing such a prescription and determining the success of program implementation for each student.

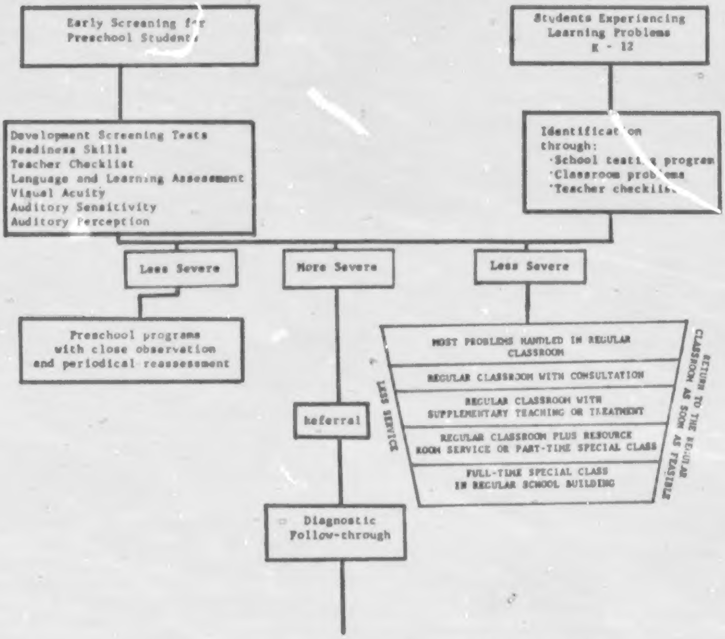
---

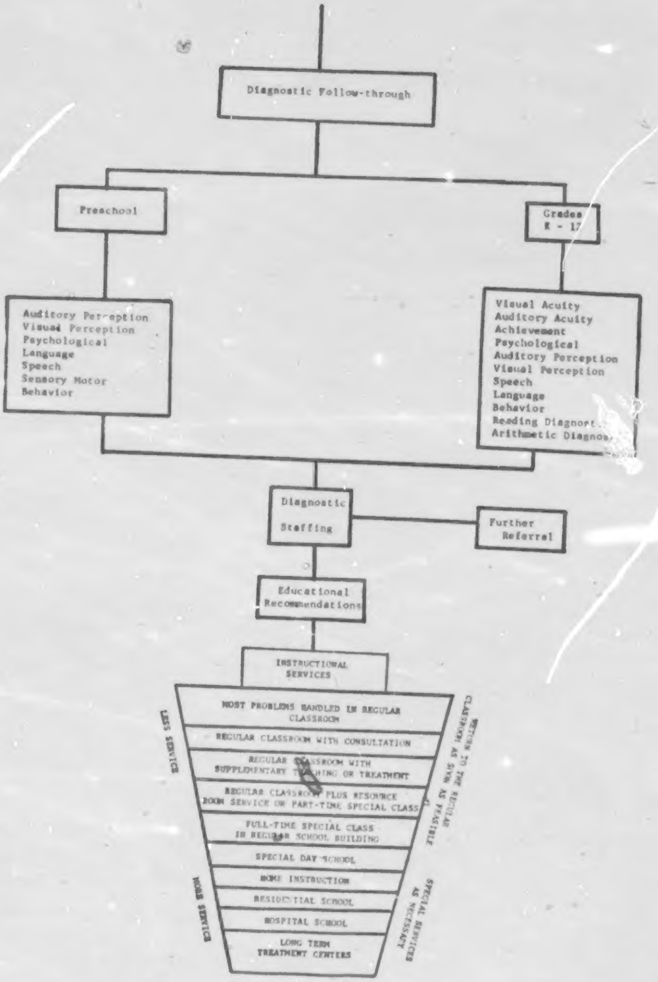
*Prescription: Specific recommendation for educational activities leading to a defined set of educational objectives based upon an individual evaluation of a student's learning problems.

A. Special Education Developmental Model

The following model has been prepared as a guide for school districts in developing procedures for screening, diagnosis, and instructional services for handicapped students.

PROCEDURAL FLOWCHART


Early Screening for Preschool Students
Students Experiencing Learning Problems K - 12
Development Screening Tests
Readiness Skills
Teacher Checklist
Language and Learning Assessment
Visual Acuity
Auditory Sensitivity
Auditory Perception
Identification through:
·School testing program
·Classroom problems
·Teacher checklist
Less Severe
More Severe
Less Severe
Preschool programs with close observation and periodical reassessment
Referral
Diagnostic Follow-through
MOST PROBLEMS HANDLED IN REGULAR CLASSROOM
REGULAR CLASSROOM WITH CONSULTATION
REGULAR CLASSROOM WITH SUPPLEMENTARY TEACHING OR TREATMENT
REGULAR CLASSROOM PLUS RESOURCE ROOM SERVICE OR PART-TIME SPECIAL CLASS
FULL-TIME SPECIAL CLASS IN REGULAR SCHOOL BUILDING
LESS SERVICE
RETURN TO THE REGULAR CLASSROOM AS SOON AS FEASIBLE


Diagnostic Follow-through
Preschool
Grades K - 12
Auditory Perception
Visual Perception
Psychological
Language
Speech
Sensory Motor
Behavior
Visual Acuity
Auditory Acuity
Achievement
Psychological
Auditory Perception
Visual Perception
Speech
Language
Behavior
Reading Diagnosis
Arithmetic Diagnosis
Diagnostic Staffing
Further Referral
Educational Recommendations
INSTRUCTIONAL SERVICES
MOST PROBLEMS HANDLED IN REGULAR CLASSROOM
REGULAR CLASSROOM WITH CONSULTATION
REGULAR CLASSROOM WITH SUPPLEMENTARY TEACHING OR TREATMENT
REGULAR CLASSROOM PLUS RESOURCE ROOM SERVICE OR PART-TIME SPECIAL CLASS
FULL-TIME SPECIAL CLASS IN REGULAR SCHOOL BUILDING
SPECIAL DAY SCHOOL
HOME INSTRUCTION
RESIDENTIAL SCHOOL
HOSPITAL SCHOOL
LONG TERM TREATMENT CENTERS
LESS SERVICE
MORE SERVICE
RETURN TO THE REGULAR CLASSROOM AS SOON AS FEASIBLE
SPECIAL SERVICES AS NECESSARY

B. Screening Process

1. NEED FOR SCREENING - The purpose of screening students is to identify suspected physical, behavioral, and educational problems that may interfere with their capability of achieving success in school. A screening program should provide information of the diversity and variability of developmental levels of students and should lead to the identification of those needing referral for more specific diagnosis.

2. SCREENING PROCESS - The screening process is a systematic survey of a group of students using relatively simple devices which are reliable for identifying significant individual differences among them which, if detected, should result in appropriate educational intervention. For purposes in the school setting, screening is considered in the flowchart in two categories:

   a. Early screening for preschool students (See Appendix A)

   b. Screening in grades K through 12 (See Appendix B)

3. OUTCOME - As a result of a district's development of a screening model,* it is expected the following outcomes will be achieved:

   a. Screening models will be reviewed and one selected for implementation.

   b. A staff member of the district will be assigned the responsibility for organizing the screening process. Such organization should include determining tests to be used, training of testing personnel, scheduling, gathering data and sharing with other professionals, and developing staff procedures from which recommendations about students will be carried out.

   c. Teachers and other professional personnel should be trained to implement the screening process.

*Screening Model - An adopted procedure of activities and identification measures which, when completed, will provide a district information regarding those students who might have difficulty in achieving success in the regular classroom.

d. The principal or other administrative officials should document the procedures and time schedules and provide other necessary information for the successful adoption and implementation of a screening process.

C. Diagnostic Process

1. NEED FOR DIAGNOSIS - There is a need to determine strengths and weaknesses of students experiencing learning difficulties in order that developmental and academic skills of a student can be identified and a special educational program developed. Diagnostic tests can be utilized to make these determinations.

2. DIAGNOSTIC PROCESSES - The diagnostic process includes the determination of the degree of a student's strengths and weaknesses using a series of formal and informal testing instruments and procedures administered by appropriate personnel. For purposes in the school setting, the diagnostic process is considered in the flowchart as two categories:

   a. Preschool. Note areas on the flowchart that should be assessed. (See Appendix A)

   b. Grades K through 12. (See Appendix B)

3. OUTCOMES - As a result of the diagnostic process, it is expected that the following outcomes will be achieved:

   a. The district should identify personnel qualified to administer appropriate diagnostic tests or should develop and support in-service training on an individual or small group basis for those staff members desiring to develop diagnostic skills.

   b. Each district should establish a time schedule for implementing evaluation services as a component of its total school program.

   c. Each district should identify the responsibilities and time schedules of members of the diagnostic team.* Classroom and special teachers should be informed of their responsibilities as members of the diagnostic team and what they can expect from other team members.

*Diagnostic Team - A group of professional educators and, where appropriate, other professionals qualified to administer and determine the results of certain technical (clinical) tests which are designed to assess a student's strengths and weaknesses in specific areas of learning. Working together, the diagnostic team makes recommendations relative to the educational prescription most appropriate for a student's learning needs.

d. A structured sequence of activities should be developed showing the movement of a student from the initial referral though the diagnostic process.

D. Instructional Services

1. NEED FOR INSTRUCTIONAL SERVICES - Appropriate learning experiences should be developed after students have been identified through the diagnostic process as having deficiencies in developmental or academic skills significantly different from their peers. Recommendations for such learning experiences should be stated in terms of specific educational goals and objectives which will direct the students' learning activities.

2. INSTRUCTIONAL SERVICES - Instructional services for a handicapped student should include the specific learning activities necessary in order to remediate, substitute, or compensate for specific learning or behavioral disorders.

3. OUTCOMES - As a result of the development of appropriate special education instructional services, it is expected the following outcomes will be achieved:

    a. Each student should receive the educational recommendations necessary for the responsible school personnel to determine the allocation of school or district resources necessary for providing the most appropriate educational program.

    b. Each student should receive an educational program appropriately suited for his learning needs.

E. Program Development Self-Evaluation Guidelines

SECTION 162.685 RSMo. directs that the State Board of Education shall adopt standards for approval of all special education programs established under the provisions of the law. In approving special education programs for state aid, the State Department of Elementary and Secondary Education will require that the quality of programming, the supportive staff and services, housing and transportation are at least comparable to that provided normal students attending school in the district.

It is the intent of the State Department of Elementary and Secondary Education to participate in and encourage comprehensive special education programs for handicapped and severely handicapped students. A comprehensive special education program includes all educational services implied by law or by regulations adopted by the State Board of Education.

To meet the intent of the law, the following self-evaluation guidelines are provided to assist school districts in evaluating their special education services and needs in accordance with criteria provided by the State Department of Elementary and Secondary Education. The guidelines were developed in a check list format to bring to the attention of the local district and State Department of Elementary and Secondary Education the programming capabilities of a school district.

The completed form must accompany a school district's projection for reimbursement in July preceding each school year in order that the State Department of Elementary and Secondary Education can focus its efforts in effectively assisting school districts in special education program development.

SAMPLE

PROGRAM DEVELOPMENT SELF-EVALUATION GUIDELINES

I. PHILOSOPHY OR GUIDING PRINCIPLES

A. The district has a written statement of its philosophy of special education. The philosophy includes a general statement regarding the district's educational goals for exceptional students. ______ YES ______ NO

B. The district has a definite written plan for services to exceptional students. ______ YES ______ NO

II. ORGANIZATION

A. Structure

1. The district has designated a person to administer, direct, and coordinate its program of special education. ______ YES ______ NO
2. The district does have a written referral process. ______ YES ______ NO
3. The teacher-pupil ratio is in compliance with legal requirements. ______ YES ______ NO
4. The district utilizes all available sources of revenue and support for educating exceptional students. ______ YES ______ NO
5. The district contracts for special services not available in its existing special education program. ______ YES ______ NO

B. Function

1. The school district secures an accurate census of handicapped students. ______ YES ______ NO
2. The school district has a systematic screening procedure to identify handicapping conditions of students. ______ YES ______ NO
    a. The teachers can appropriately recognize exceptional behavior in the classroom. ______ YES ______ NO
    b. Staff members are identified who can appropriately select screening instruments. ______ YES ______ NO
    c. Staff members are identified who can appropriately administer group [illegible] individual screening instruments. ______ YES ______ NO
    d. Staff members are identified who can develop a social history of the student. ______ YES ______ NO
    e. Staff members are identified who can appropriately interpret screening information. ______ YES ______ NO
    f. Staff members are identified who can make referral to the appropriate resource person/agency. ______ YES ______ NO

SAMPLE

3. The school has an adequate diagnostic procedure. ____ YES ____ NO

   a. Staff members of the district can administer appropriate diagnostic instruments in the following areas:

      (1) Intelligence ____ YES ____ NO
      (2) Behavior ____ YES ____ NO
      (3) Visual acuity ____ YES ____ NO
      (4) Auditory acuity ____ YES ____ NO
      (5) Visual perception/discrimination ____ YES ____ NO
      (6) Auditory perception/discrimination ____ YES ____ NO
      (7) Psycholinguistics ____ YES ____ NO
      (8) Speech and language ____ YES ____ NO
      (9) Gross/fine motor coordination ____ YES ____ NO
      (10) Achievement ____ YES ____ NO
      (11) Other ____ YES ____ NO

   b. Appropriate personnel of the district can interpret results of diagnostic instruments. ____ YES ____ NO

4. Appropriate instruction is provided for all exceptional students through district or contracted services. ____ YES ____ NO

III. CURRICULUM

A. An educational program is devised from diagnostic information.

   1. To focus upon the student's learning processes as described by the diagnostic workup. ____ YES ____ NO

   2. To formulate instructional objectives based upon the student's needs. ____ YES ____ NO

   3. To select appropriate instructional approaches to achieve stated individual objectives. ____ YES ____ NO

   4. To select appropriate educational materials and techniques to implement the instructional process. ____ YES ____ NO

   5. To obtain the necessary instructional materials. ____ YES ____ NO

   6. To obtain the human resources necessary to affect the educational needs of the student. ____ YES ____ NO

B. Handicapped students are incorporated into regular classes when appropriate. ____ YES ____ NO

C. Academic and vocational classes are available to the extent that diversified vocational and academic goals are achieved for all handicapped students. ____ YES ____ NO

IV. INSTRUCTION

A. Staff

   1. The special education staff is adequately trained and properly certified. ____ YES ____ NO

SAMPLE

2. Inservice education activities are appropriate to keep the special education staff knowledgeable of new and innovative educational procedure. ____ YES ____ NO

3. The special education staff contributes to good working relationship with the community through professional involvement with related agencies. ____ YES ____ NO

B. Activities

1. Instructional goals and objectives are clearly identified. ____ YES ____ NO

2. Instructional objectives are appropriately individualized. ____ YES ____ NO

3. Methods of teaching are appropriate for instructional goals. ____ YES ____ NO

4. Are available resources for appropriate instructional activities

a. Identified? ____ YES ____ NO

b. Utilized? ____ YES ____ NO

V. PHYSICAL FACILITIES

A. The facilities of the district are appropriate for handicapped and severely handicapped students. ____ YES ____ NO

B. Adequate instructional space is available. ____ YES ____ NO

C. Adequate space is available for support personnel. ____ YES ____ NO

D. Adequate storage space is available. ____ YES ____ NO

E. Transportation is provided for all handicapped students where the need exists. ____ YES ____ NO

F. Adequate physical education space, equipment, and materials are available for handicapped students. ____ YES ____ NO

VI. PROGRAM EVALUATION

A. Student and class evaluations are made by staff members in relation to instructional objectives. ____ YES ____ NO

1. Teachers are able to ascertain the results of instructional process over a short period of time. ____ YES ____ NO

2. Teachers compare the results with those stated in the instructional objectives. ____ YES ____ NO

3. The instructional process is modified if results are different from those described in objectives. ____ YES ____ NO

SAMPLE

B. The special education program is periodically evaluated with consideration to alternative programs. ______ YES ______ NO

C. Classes are operated within the framework of regulations adopted by the State Board of Education. ______ YES ______ NO

D. Student progress reports are satisfactorily designed for handicapped students. ______ YES ______ NO

VII. OTHER

Comments:

III.

Standards for Special Educational Services

Many factors must be considered in determining the appropriate manner and method of instruction for handicapped students in a school district. Individual differences of handicapped students require special education intervention which varies in nature and degree of intensity. Special educational services are intended to meet these significantly different needs. Therefore, each student's program should vary in intensity of special intervention, the time required for special services, and special techniques appropriate for instruction. Some handicapped students will remain in regular classes with little special support, others will benefit from one or more periods of special instruction, and some will be served full time in a special class. Educational services should be available to severely handicapped students in locations including, but not necessarily restricted to, public school facilities.

In order to provide general direction for special education services, the following standards have been adopted by the State Board of Education:

1. Sufficient special education personnel shall be employed and special education classes shall be organized and designed to meet the specific learning needs of handicapped students in each school district.

2. Enrollment of a handicapped student in any special education class shall reflect consideration of chronological age, mental age, level of achievement, social and emotional adjustment, and related health factors of the handicapped student.

3. Class size for a specific special education program shall reflect the age range, the nature and severity of the handicap, and the degree of educational intervention necessary for students included in the class.

4. General standards for approvable class sizes and caseloads are set forth on page 28. Fewer or more students than those included within these standards may be approved by the Section of Special Education, State Department of Elementary and Secondary Education, on request if information is provided justifying the need for an exception.

   Teachers and other professional personnel conducting approvable special education classes shall be required to meet minimal certification standards adopted by the State Board of Education. These certification standards are provided in Appendix D.

A. Service Alternatives

The State Board of Education has established standards for four general procedures for serving handicapped students. One or more of these alternatives should be developed for the levels (or degree and types) of handicapped students within each district. The four service alternatives are:

1. EDUCATIONAL RESOURCE TEACHER - A certified special education teacher who provides assistance through the classroom teacher to mildly handicapped students attending regular class. The educational resource teacher assists the regular classroom teacher in the areas of classroom diagnosis and educational programming for students having learning problems. Working together, the educational resource teacher and the regular class teacher determine instructional alternatives for more effective learning on the part of the students.

   The concept of the educational resource teacher has been adopted in response to SECTION 162.680, SUBSECTION 2, RSMo. which states:

   > "To the maximum extent practicable, handicapped and severely handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes. Impediments to learning and to the normal functioning of such children in the regular school environment shall be overcome whenever practicable by the provision of special aids and services rather than by separate schooling for the handicapped."

   In order to be eligible for state aid, a certified teacher in an area of special education who intends to function as an educational resource teacher must have the following credentials:

   1. Teacher certification in one or more areas of special education.
   2. A minimum of two years' approved teaching experience.
   3. Training in the role and functions of an educational resource teacher as provided by the Department of Elementary and Secondary Education.
   4. Written endorsement by the administrative officer of the building(s) in which the teacher will function.

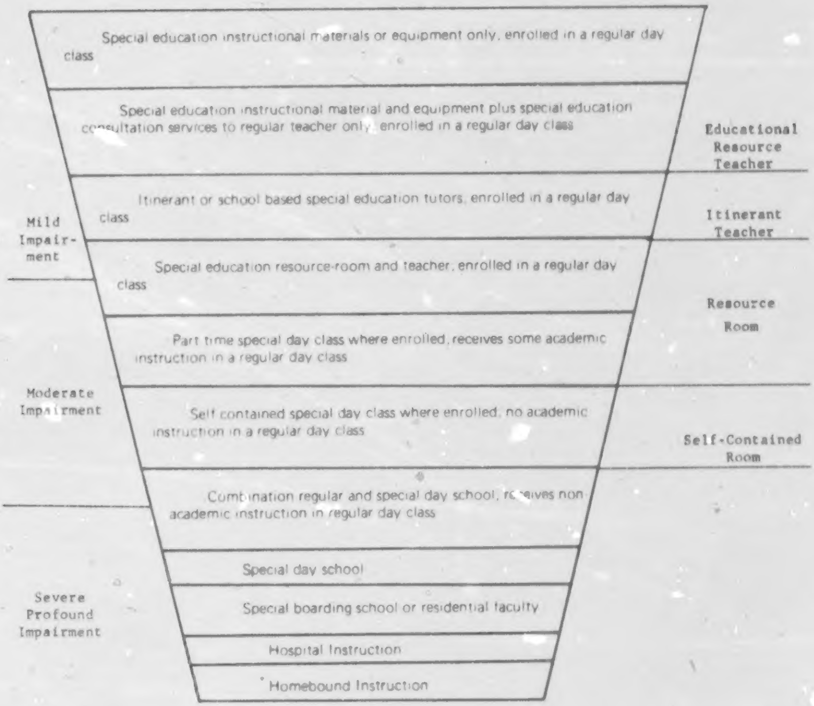
At the time of this printing, the State Department of Elementary and Secondary Education is developing training programs for persons to function as educational resource teachers. These training programs are being developed in cooperation with the teacher training institutions in Missouri.

2. ITINERANT TEACHER - This special education teacher travels from class to class in a school, or from school to school within a defined service area, working with handicapped students. The handicapped students are enrolled in a regular classroom yet require special education instruction in specific subject areas. Students with moderate handicaps may be seen by the itinerant teacher as often as once a day. Students with a mild handicapping condition may be seen by the itinerant teacher less frequently, perhaps only once a week. The itinerant teacher maintains a liaison with the students' regular classroom teacher relative to their progress.

3. RESOURCE CLASSROOM - A classroom for students who are enrolled in a regular classroom for most of the school day, yet require special education instruction in specific subject areas. The room contains all necessary special instructional materials and aids needed by handicapped students coming to the room for instruction during certain periods of the school day.

4. SELF-CONTAINED CLASSROOM - A classroom for students who have similar handicapping conditions to the degree that they require special education instruction for the total school day. The special class teacher instructs the students in all appropriate subject matter, such as reading, arithmetic, language arts, science, health, safety, etc. Depending on the variation in the functioning level of the student, some may benefit from participation in activities such as art, physical education, music, recess and other activities with their peers.

A CASCADE MODEL OF SERVICE ALTERNATIVES IN SPECIAL EDUCATION PROGRAMMING



Special education instructional materials or equipment only, enrolled in a regular day class

Special education instructional material and equipment plus special education consultation services to regular teacher only, enrolled in a regular day class

Itinerant or school based special education tutors, enrolled in a regular day class

Special education resource-room and teacher, enrolled in a regular day class

Part time special day class where enrolled, receives some academic instruction in a regular day class

Self contained special day class where enrolled, no academic instruction in a regular day class

Combination regular and special day school, receives non academic instruction in regular day class

Special day school

Special boarding school or residential faculty

Hospital Instruction

Homebound Instruction

Mild Impairment
Moderate Impairment
Severe Profound Impairment
Educational Resource Teacher
Itinerant Teacher
Resource Room
Self-Contained Room

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B. Class Size and Caseload Standards by Service Alternatives

The standards reflect approvable teacher loads at any given time during the school year. Variations may be approved upon request to the Director, Special Education, State Department of Education.

Need for Special Education Service	Educational Resource Teacher	Itinerant Teacher	Resource Room	Self-Contained Room
Mild-Moderate Mental Retardation	15 - 25	15 - 20	10-15 Elementary 10-20 Secondary	8-15 Elementary 8-20 Secondary
Specific Learning Disabilities	15 - 25	10 - 20	10 - 20	6 - 10
Behavioral Disorders	15 - 20	10 - 20	10 - 15	6 - 10
*Remedial Speech and Language	---	50 - 85	---	---
Speech and Language Developmental Disorders	---	---	10 - 15	6 - 10
Orthopedically Disabled	15 - 25	10 - 20	10 - 20	8 - 15
Partially Seeing	15 - 25	10 - 20	10 - 12	8 - 10
Blind	---	10 - 20	8 - 10	6 - 8
Hard of Hearing	15 - [illegible]	10 - 20	10 - 12	8 - 10
Deaf	---	10 - 20	8 - 10	6 - 8
Severely Handicapped	These programs will be approved on an individual basis in accordance with standards available upon request to Director, Special Education.			

*NOTE: The following exceptions shall be noted:
1974-75 caseload 50 - 110 students 1975-76 caseload 50-95 students 1976-77 caseload 50 - 85 students

These standards do not reflect possible services by a teacher aide. If a teacher aide is utilized to support the special teacher in charge in carrying out the duties of instruction through any service alternative, it is possible that a broadened range of approvable class size may be considered for the school district.

C. Handicapping Conditions and Class Development

The following definitions describe the categories of special education services listed on page 28.

1. MENTAL RETARDATION

a. Definitions - Mental retardation refers to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior and is manifested during the developmental growth of the student.

(1) Mild and Moderate (Educable Mentally Retarded) - Those students who are capable of academic, social, and vocational training but require specialized instruction to realize maximum skill development and meaningful integration into adult society. These students generally perform significantly below their peers of equivalent age, ethnic and cultural background when measured by like standardized instruments of cognitive ability and adaptive behavior. Traditionally, the measure of the student's intelligence quotient (I.Q.) provides one of several indications of the student's performance level. Generally, these students perform on formal tests of intelligence and adaptive behavior at a level of one-half to three-fourths that of their normal peers on like standardized instruments.

It should be noted that it is the policy of the State Board of Education that the determination of a student as mildly or moderately retarded should be made after that student's performance is measured by a series of appropriate tests relative to the level of functioning of his immediate peer group; i.e., the students of that school district or districts similar in cultural and ethnic nature and in the level of educational programs. School districts should determine the eligibility of each student after consideration of those factors.

(2) Severe (Trainable Mentally Retarded) - Those students who have potential for training in self-care, social adjustment, and vocationally related areas rather than academic. During adulthood they may function profitably at home and/or in specialized situations such as sheltered workshops and supervised living experiences.

These students generally perform on measures of intelligence, social skills, adaptive behavior, and self-care skills at a level one-half or less than that of normal students of equivalent age and ethnic-cultural background when measured by like standardized instruments of cognitive ability and adaptive behavior.

(3) Profound - Those students who are retarded to the extent that they are capable of very little self-care and must have constant attention to survive.

b. Class Development (Mentally Retarded) -

(1) It is recommended that students who have been diagnosed as mildly or moderately mentally retarded have maximum opportunity for integration within the regular school program. If separated, their school programs shall be of a quality at least equal to that provided for students enrolled in regular classes.

(2) The following ancillary services should be given important consideration in program development. In some instances these services may be inherent in the educational programs outlined for the students with mild or moderate mental retardation.

a. Remedial speech and language, remedial reading, and counseling when necessary should be provided by qualified personnel in addition to the teacher in charge.

b. Prevocational and vocational study areas should be provided for junior and senior high school classes.

c. Adaptive physical education facilities should be provided to students whose condition or circumstances prohibit them from actively participating in regular education classes.

(3) Educational considerations for severely retarded students include:

a. Assisting the student to learn to respect property and to use materials meaningfully and to interact with peer group.

b. Assisting the student to develop at his individual rate of understanding, language and numerical skills and to become aware of the world in which he lives.

c. Assisting the student to develop practical social, personal, and work skills in order to become a contributing member of society.

2. SPECIFIC LEARNING DISABILITIES

a. Definition - Educationally, the term "learning disability" is used to refer to that student who has near-average, average or above-average intelligence but who may manifest mild-to-severe difficulty with perception (the inability to attach meaning to sensory stimuli), conceptualization, language, memory, motor skill and control of attention.

b. Class Development (Learning Disabled)

(1) Locating and identifying students with specific learning disabilities should be accomplished as early as possible. The success of a special school program in helping these students develop compensatory learning methods and to strengthen developmental delays in the visual-motor and perceptual areas can be partially determined between onset of the problem and application of special teaching methods. In addition, there is a tendency for these students to develop an overlay of emotional effect because of failure to achieve adequately and the resulting family and school tensions that arise.

(2) Some students with neuropsychological deficits will be identified prior to school age by medical authorities; however, the majority usually are not discovered until they are exposed to typical learning situations and are unable to succeed. It is important that preschool and first grade teachers be aware of the major signs and symptoms and have information concerning referral sources where extensive evaluations can be made.

(3) Some characteristics often noted include:

a. Hyperactivity

b. Perceptual-motor impairments

c. Emotional instability

d. General coordination deficits

e. Disorders of attention (short attention span, distractibility, perseveration)

f. Impulsivity

g. Disorders of memory and thinking

h. Specific learning disabilities

   (1) Reading
   (2) Arithmetic
   (3) Writing
   (4) Spelling

i. Disorders of speech and hearing

j. Equivocal neurological signs and electroencephalographic irregularities

(4) Some common learning and test performances are:

a. Spotty or patchy intellectual deficits. Achievement low in some areas; high in others

b. Below mental age level on drawing tests (man, house, etc.)

c. Geometric figure drawings poor for age and measured intelligence

d. Poor performance on block design and marble board tests

e. Poor showing on group tests (intelligence and achievement) and daily classroom examinations which require reading

f. Characteristic subtest patterns on the Wechsler Intelligence Scale for Children, including "scatter" within both verbal and performance scales; high verbal--low performance; low verbal--high performance.

3. BEHAVIORAL DISORDERS

a. Definition - This term refers to students that exhibit one or more of the following characteristics over an extended period of time and to a marked degree:

(1) Difficulties in learning that cannot be explained by intellectual, sensory, or other health factors.

(2) Difficulties in building or maintaining satisfactory interpersonal relationships with peers, parents, and teachers.

(3) The general pervasive mood of unhappiness or depression.

(4) A tendency to develop physical symptoms, pains, or fears associated with personal or social problems.

b. Class Development (Behavioral Disorders) -

(1) Determination of the need of a program for a student with behavioral disorders must be based upon a total evaluation involving appropriate professional personnel, including those serving the student within the school system. Transient symptomatic behavioral variation to immediate situations of the home, school, or community with no evidence of prolonged definitive disturbance should not be considered as criteria for placement in this type of class.

(2) Behavior diagnosed as a condition of emotional disturbance should be done only by professional psychological or psychiatric personnel. The student should then be provided medical/psychological services concurrent with his enrollment in a special class for the behaviorally disordered.

(3) All professional members of the school staff working with the student should have access to the history, psychological tests, medical reports, etc., which may pertain to the individual student.

(4) The staff should use all ancillary services available to the community such as child guidance centers, mental health associations, regional diagnostic clinics, etc.

(5) In general, students should be grouped by chronological age unless social and physical maturity indicates that they can be taught more effectively in different groups.

(6) The students should be evaluated at least once a year to determine the need for continuation in a special education program.

(7) Students enrolled in such a special class should be considered a part of the regular school and should be integrated into the regular school program to the maximum extent possible.

4. REMEDIAL SPEECH AND LANGUAGE

a. Definition - This term refers to those students whose speech or language deviates so far from other individuals in a group that it calls attention to itself, interferes with communication, or causes its possessor to be maladjusted.

b. Class Development (Remedial Speech and Language)-

(1) A student is eligible for the services offered by a speech and language clinician when all appropriate information is gathered on that student and discussed with the student's teacher(s), the administrative officer of the school building, or other specialists as deemed necessary. When services are initiated, a survey of the entire student body should be made and all students requiring speech and language training identified. As the program continues, the clinician should make whatever annual survey is considered necessary. Provisions should also be made for evaluating students entering school at any time during the year.

(2) The speech and language staff shall be responsible for providing services to all eligible students admitted to the program. These students may be served individually or in small groups as appropriate. Admission shall be based on diagnostic information indicating the existence of need for services. Appropriate diagnostic instruments and techniques shall be used to determine the need for these services.

(3) In each building in which the speech and language clinician conducts "approved special classes," appropriate facilities shall be provided. (Each clinician should also have office space available in which a conference can be held and confidential records can be housed.)

5. DEVELOPMENTAL SPEECH AND LANGUAGE

   a. Definition - This term refers to students requiring developmental speech and language services generally evidenced by a significantly low maturation level of skills development to the extent that intensive remedial intervention is required.

   b. Class Development -

      (1) The nature of speech and language retardation often prevents effective language learning from itinerant or large group programming and usually requires individual or small group attention to develop necessary language and communicative skills.

      (2) An evaluation should be made of the student's level of intelligence using nonverbal measurements.

      (3) Determination of auditory sensitivity and discrimination ability should be made by appropriate professionals.

      (4) Consideration of all pertinent information relative to the physical and social development of the student should be provided.

6. ORTHOPEDICALLY DISABLED

   a. Definition - This term refers to those students who have conditions such as cerebral palsy, spina bifida, muscular dystrophy, congenital defects (such as hydrocephalus, club feet, heart conditions), and adventitious defects (such as poliomyelitis, rheumatoid arthritis, osteomyelitis, hydrocephalus), and other physical defects in varying degrees requiring special adaptation and modification of school facilities and equipment.

   b. Class Development -

      (1) An evaluation of each student shall be obtained involving information from medical records or reports, psychological evaluation, and classroom teacher diagnosis.

      (2) Physical, occupational, and speech therapists, plus paraprofessionals who act as attendants and/or teacher aides, should be utilized as necessary.

(3) Students who are orthopedically disabled often need a barrier-free, architecturally modified, physical environment. This would include wide doors in all rooms accessible to the students; adjustable chairs, desks, cabinets, blackboards, lapboards, standing tables, etc.; nonskid floors; lowered drinking fountains; modified toilet facilities and play areas; and the elimination of protruding parts over which they might trip.

(4) It may be necessary to provide electric typewriters; page turners; book racks; and such other "standard" equipment as a record player; tape recorder; filmstrip and film projector; modified pencil holder, clipboard and helmet; and masking or cellophane tape to help hold papers or worksheets in place.

7. PARTIALLY SEEING

a. Definition - This term refers to a student whose visual acuity is so limited as to require specific educational compensation of a significant nature in order that the learning needs of the student can be adequately met by the school district. As a general rule, the partially-seeing student evidences a central visual acuity range of 20/70 to 20/200 in the better eye with best correction by glasses.

b. Class Development -

(1) The classroom should be strategically located so that students may have access to all parts of the building.

(2) There should be correctly diffused, distributed, directed, and controlled illumination for each individual student to perform without eye discomfort.

(3) The nature of the program for the education of the student who is partially seeing is to teach him to use vision properly. Teaching aids and materials especially adapted for use with these students for all curricular areas should be provided.

(4) The following services are supportive to the total education of the partially-seeing student and should be made available to him when necessary: guidance and counseling; social work; speech, physical, and occupational therapy; mobility instruction; health

services; recreation; part-time work; and possibly referral to Vocational Rehabilitation at the secondary level.

(5) The basis for the decision of placement shall include consultation with an opthalmologist or optometrist.

8. BLIND

a. Definition - This term refers to a student whose visual acuity is so limited as to require a comprehensive educational program involving compensatory services including but not limited to large print materials, utilization of recorded materials, mobility training, developmental braille skills, and self-help and daily-care skills development. Legal blindness is generally characterized by a visual acuity of 20/200 or less in the better eye after best correction by glasses or peripheral vision subtending an angle not greater than twenty degrees.

b. Class Development -

(1) The level of development and maturation of the student, and the extent of his compensation for the visual disability shall be the determining factors relative to the type of educational program developed.

(2) The room should be strategically located so that students have access to all parts of the building.

(3) There should be correctly diffused, distributed, directed, and controlled illumination to enable each individual student to perform without eye discomfort.

(4) The student who is blind must rely on listening and on his power of tactual perception; therefore, equipment to develop power in listening and in touch must be provided. Teaching aids and materials adapted for use of the blind in instructional programs in all areas of learning shall be provided.

(5) The following services are supportive to the total education of the blind student and should be made available to him when necessary: guidance and counseling; social work; speech, physical, and occupational therapy; mobility instruction; health services; recreation; part-time work; and possibly referral to Vocational Rehabilitation.

(6) The basis for the decision of placement shall include consultation with an ophthalmologist or optometrist.

9. HARD OF HEARING

a. Definition - This term refers to a student whose hearing is impaired to the extent that language, social and/or academic development is restricted to a significant degree educationally but who is not eligible for placement in classes for the deaf. Generally, students who are eligible for placement in classrooms for the hard of hearing exhibit hearing loss in a range from 40 dB to 60 dB (ISO). In many instances, students will exhibit a mild hearing of 25 dB to 40 dB (ISO), and such students may profit from preferential seating in the classroom with teacher assistance.

b. Class Development -

(1) The decision for placement of a hard-of-hearing student into a special class must be predicated on a number of factors such as type of hearing loss, age at onset, intelligence, age at evaluation, extent of prior training, remediation provided, ability to use hearing aids, etc.

(2) A preschool hard-of-hearing student needs to participate in a structured language development program during the preschool years. If the student has not received a structured language program and does not exhibit appropriate cognitive skills at school entry age, he should be provided such program prior to integration into a special or regular class.

(3) Approvable classes should have electroacoustic auditory training equipment and other specialized materials developed for such classes and should provide instruction in language and speech development and speechreading skills.

(4) The eligibility of the student shall be based upon a professional staffing of his total developmental history and needs as they relate to his impairment and his educational, vocational, and social skills. The basis for the decision for admission shall include consultation with an otologist or clinically certified audiologist.

10. DEAF

a. Definition - This term refers to students with no hearing or limited residual hearing sensitivity which is not sufficient to enable understanding of spoken language nor to develop language successfully even with a hearing aid without specialized instruction. Two interpretations are noted:

(1) An audiological reading indicating a hearing loss averaging 75 to 80 decibels (ISO) or greater across the speech range in the better ear without a hearing aid.

(2) An educational interpretation including a hearing loss of 60 to 65 decibels (ISO) across the speech range in the better ear without a hearing aid and an inability to develop language successfully even with a hearing aid without special education.

b. Class Development -

(1) Preschool deaf and hard-of-hearing students need to participate in a structured language development program prior to entry into a formal educational program. It is recommended that the local school district provide such a program. State financial assistance is available for this purpose.

(2) If a student has not received a structured language program and does not exhibit appropriate cognitive skills, he should be provided such a program prior to integration into a special or regular class within the local school district.

(3) Approvable classes should utilize electroacoustic auditory training equipment and other specialized materials developed for such classes and should provide intensive instruction in language and speech development and speechreading skills.

(4) The eligibility of the student shall be determined upon evaluation of his total developmental history and needs as they relate to his impairment and his educational, vocational, and social skills. The basis for the decision of placement shall include consultation with an otologist or clinically certified audiologist.

D. Special Education Administration

The following administrative responsibilities and considerations are provided.

1. RECORDS AND CUMULATIVE FOLDER - The school district shall designate personnel to be responsible for maintaining records of each handicapped student's educational, medical, psychological and social history. The responsible teacher or staff member shall develop and maintain a written report for each student describing his learning characteristics as determined by test results. The responsible teacher or staff member shall develop an educational program including the major outcomes to be achieved with each student during the school year. A final written report indicating the changes achieved by the student shall be included in the cumulative folder at the termination of services or at the end of the school year. Reports of progress should be made available to other teachers, parents, and administrators and entered in the student's cumulative educational file. Care must be taken to protect the student's right to confidentiality. The review of a student's cumulative folder at any time must be solely for purposes of obtaining information which will help appropriate teachers and staff members provide an effective educational service for the student or to better understand the learning patterns and difficulties the student is experiencing or has experienced. When a school district provides review of such records to the parent or guardian of the student in compliance with the law, appropriate staff members should be present to assist in the interpretation and explanation of the information contained therein. It is recommended that each school district maintain a file of those individuals who have reviewed such records, including the date and purpose of the review.

2. PART-TIME ATTENDANCE - If the educational needs of a handicapped or severely handicapped child will be most appropriately met by part-time attendance at school, it is permissible for such child enrolled in a special education program to attend school less than a full school day. The superintendent of the school district shall develop procedures necessary to determine that the appropriate special education program may require less than a full day of attendance. This determination should be made after consultation with appropriate medical, psychological or other professional resources who have evaluated the student's condition.

3. SIMULTANEOUS SPECIAL EDUCATION SERVICES - It is expected and approvable that some handicapped students may receive more than one type of special education service simultaneously.

E. Services for Severely Handicapped Students

The following information provides procedures for local school districts to implement referral and program development responsibilities.

1. If the local school district does not have an appropriate program for severely handicapped students, it shall refer the student to the State Department of Elementary and Secondary Education, Division of Special Education, for assignment to an appropriate program. This referral will be by written notification, indicating that the district does not provide this service.

2. A file which includes specific information relative to the diagnosis shall accompany the notification. The State Department of Elementary and Secondary Education, Division of Special Education, shall notify the parent or guardian of the student's assignment and shall assign the student to a program operated by the State Board of Education or may contract for necessary services in accordance with the law.

3. If, after a trial period of an appropriate length of time in a special education program of the responsible local school district--except a special school district--it is determined that the student could more appropriately be served by a special education program for severely handicapped students operated by the State Board of Education, referral and recommendations will be made to the State Department of Elementary and Secondary Education, Division of Special Education.

   If, after an ensuing trial period of services and reevaluation, it is determined by the State Department of Elementary and Secondary Education that the student is so severely handicapped as to need alternative care and treatment or could more appropriately be served by a special education program operated by a local school district, referrals and recommendations will be made and the student may be reassigned.

4. EVALUATION OF SEVERELY HANDICAPPED -

   a. It is recommended that, where possible, the local school district should have the student evaluated by the staff of one of the regional diagnostic clinics or by other clinics which offer comparable service.

b. The type and number of tests to be administered will be determined by the student's age and the handicapping condition(s) exhibited by the student.

c. In general, one or more tests or scales of social development, one or more individual intelligence tests, and one test of receptive language development are considered minimal for an appropriate evaluation.

d. A developmental screening test which measures gross motor maturation and fine motor adaptive skills should be given.

e. Screening tests to determine any loss of hearing or vision should be given. A general physical examination including immunizations should also be obtained.

f. Reevaluation shall be offered every three years or more often if deemed necessary by those working with the students.

F. Prevocational and Vocational Programs

The following guidelines are important considerations in special education programming at the secondary school level.

1. Appropriate prevocational and vocational programs of organized instructional experience, training experiences, and supportive services shall be made available to handicapped students whose future occupational adequacy can be enhanced by such preparatory experiences.

2. Involvement on the secondary level in the cooperative school-work program is highly recommended for those handicapped students who require structured vocational experiences. Further information regarding this program may be obtained by contacting the Division of Vocational Rehabilitation, State Department of Elementary and Secondary Education.

3. Vocational rehabilitation services are available to eligible physically or mentally handicapped youth and adults in the state. Contact should be made by school officials, on behalf of the handicapped, directly with the Division of Vocational Rehabilitation, State Department of Elementary and Secondary Education, for further information relative to this service.

4. Vocational programs meeting the needs of handicapped students may request planning and financial assistance from the Section for Disadvantaged and Handicapped, Division of Career and Adult Education, State Department of Elementary and Secondary Education.

G. Homebound and Contractual Services

In accordance with the law (SECTION 162.980 RSMo.) provisions are made for special education services to be provided by homebound instruction or contractual arrangement when necessary.

1. HOMEBOUND SERVICES

   a. Any student between the ages of 5 through 20 years who, because of the nature or extent of his handicapping condition, requires homebound instruction or instruction during hospitalized care shall, upon approval by the State Department of Elementary and Secondary Education, receive educational services during the academic year within his facility of confinement for as long as the handicapping condition prevents the student from safely or adequately attending school. The school district must obtain a statement by the attending physician as to the student's diagnosis, reason for confinement, and approximate length of time such services will be needed.

   b. The homebound student will be enrolled and counted for attendance in the school district where he resides although he is not attending classes. He must be given at least five hours of instruction each week in order to be counted for full attendance. The lessons shall be distributed throughout the school week to the best advantage of the student and the teacher and upon recommendation by the attending physician. The services provided the homebound student should reflect his capabilities and be determined by the homebound instructor after consultation with appropriate professional staff of the district. A telephonic communication system may be used. Suggestions for such service will be sent upon request by contacting the Director, Section of Special Education, State Department of Elementary and Secondary Education.

   c. The appropriate school official of the local district or special district in which the student resides shall have the responsibility for certifying to the Director of Special Education, State Department of Elementary and Secondary Education, the need for homebound educational services. Forms for this purpose are available from that office upon request. No homebound instruction should be initiated until approval is granted by the Director of Special Education, State Department of Elementary and Secondary Education.

d. Special education services provided a student at the time of his period of confinement, and which are necessary, shall be continued on an itinerant basis as part of approvable homebound service.

2. CONTRACTUAL SERVICES

a. Upon certification to and approval by the State Department of Elementary and Secondary Education that a local district or special district is unable to provide appropriate special education services to a handicapped student, that district may negotiate a contract for those services with an approved public or private educational agency.

b. The instructional program offered by an approved contracted agency must be of a quality at least equal to that offered by an approvable public school program. Certification of such private programs and approval for contracts are made by the State Board of Education after investigation by the State Department of Elementary and Secondary Education reasonably assures such quality.

c. It is the responsibility of the local district or special district of residence to have available a complete file of appropriate records for each student enrolled in a contractual program.

d. No contract shall be made under this act contrary to the provisions of Article I, Section 7 or Article IX, Section 8 of the Constitution of Missouri.

IV.

Procedures for Review of Educational Placement and Appeal

The following review describes the responsibilities of school districts and, where appropriate, the State Board of Education to implement procedures of notification and appeal in the special education placement of a student.

A. Appropriate Placement and Services

In accordance with the provisions of state law, SECTION 162.701 RSMo., the State Board of Education shall have ultimate responsibility in the determination of the appropriate special education services for handicapped and severely handicapped students.

If the State Board of Education determines, after inspection by the State Department of Elementary and Secondary Education and upon the recommendation of the Commissioner of Education, that handicapped students residing within a district may better be provided special educational services by the district or special district of residence, the State Board of Education shall require that district to provide special educational services in accordance with the provisions of law.

If the State Board of Education determines, after public hearing before the Commissioner of Education, that a district has failed to provide special educational services in accordance with the requirements issued by the State Board of Education, then the State Board of Education shall withhold all or such portion of state aid in accordance with provisions of law as in its judgment is necessary to require that district to carry out its responsibility to the law. The denial of state financial assistance may continue until the failure to provide special educational services is remedied.

B. Notification of Assignment

The following statutory provisions clarify the obligations of the responsible local board of education, special school district board of education, or State Board of Education in determining appropriate educational placement, notification of parents or guardians, and establishing an appellate process when applicable.

1. The board of education of the responsible local school district or of the responsible special school district or the State Department of Elementary and Secondary Education shall notify every parent or guardian of every student diagnosed, evaluated, reevaluated, or assigned. Notification shall include the results of any diagnosis, evaluation, or reevaluation made and of the recommended assignment, change in assignment, or denial of assignment of the student to a special class or program provided by law. The notice shall be in writing, mailed to the last known address of the parent or guardian by certified mail,* return receipt requested. The notice shall advise the parent or guardian that, upon request, the parent or guardian shall be permitted to inspect, at the school attended by the student or at another convenient place at any time during regular school hours, all records pertaining to that student including all diagnoses, evaluations, and reevaluations obtained by the board of education or the State Department of Elementary and Secondary Education. The notice shall also contain information as to the procedure for requesting a review of any action taken by the board of education or the State Department of Elementary and Secondary Education (SECTION 162.945 RSMo.).

*NOTE: If notification by certified mail, return receipt requested, is believed by the responsible board of education to be too expensive or too time consuming, the responsible board of education might consider the following alternative procedure. Before such a procedure is adopted, the board should consult its attorney.

The parent or guardian may acknowledge in writing that he or she has to his or her satisfaction been informed of the procedures used in the placement of his or her child in a special education program and has been informed of those elements of law being met by this alternative procedure. Such acknowledgement may satisfactorily fulfill the intent of the law but in no way waives the parent's or guardian's right to appeal at a later time. Such an acknowledgement shall be required to be filed in the student's cumulative folder at least once a year.

2. The notification shall contain the information that, upon written request to the board of education or to the State Department of Elementary and Secondary Education made within ten days of the date of the notification, the parent or guardian will be entitled to a hearing on the action advised in the notice. Such a hearing, if requested, shall be held not more than 30 days after receipt of the request. If no request for hearing is made, the assignment or other action shall be initiated (SECTION 162.950 RSMo.).

3. The notification shall also contain the information that, upon written request by the parent or guardian to the board of education or to the State Department of Elementary and Secondary Education, whatever the case may be, at any time but not to exceed once a year, the board of education or the State Department of Elementary and Secondary Education shall cause a reevaluation to be made (SECTION 162.950 RSMo.).

4. No change in the assignment or status of a handicapped or severely handicapped student shall be made within the period afforded the parent or guardian to request and obtain a hearing under these provisions except that such change may be made with the written consent of the parent or guardian. If the health or safety of the student or of other persons would be endangered by delaying the change in assignment, the change may be made sooner but without prejudice to any rights that the student and his parent or guardian may have pursuant to law (SECTION 162.955 RSMo.).

5. The hearing provided for above shall be conducted by the chief administrative officer of the school to which assignment has been made. The hearing shall be informal, witnesses need not be sworn, and a record of the proceedings need not be made. The school district or the State Department of Elementary and Secondary Education shall see that the parent or guardian or their representative is advised of and permitted to review all diagnoses, evaluations, and reevaluations obtained by the board of education or the State Department of Elementary and Secondary Education which pertain to the student. The school district or State Department of Elementary and Secondary Education shall fully advise the parent or guardian or their representative of each reason relied upon by it in taking the proposed action. The parent or guardian or their representative may present to the officer any information, whether written or oral, which pertains to the recommended action. Cross-examination shall be permitted (SECTION 162.960 RSMo.).

6. If a satisfactory solution is not reached at this hearing, the parent or guardian may appeal within ten days to the board of education of the district or, in the case of a state school, to

the State Board of Education. Not more than 30 days after receipt of the request for appeal, a hearing shall be held before either the board of education of the district or, in the case of a state school, before the State Board of Education. The parent or guardian of the student shall be given at least 14 days' written notice of the date, time, and place of the hearing. The board of education of the district may designate a person or persons not directly connected with the original decision, and the State Board of Education may designate a member of staff of the State Department of Elementary and Secondary Education in Jefferson City to hold the hearing and to recommend to the board findings of fact and specific action based thereon. Findings of fact and a final decision shall be rendered by the board of education of the district or by the State Board of Education, as the case may be, at the earliest possible time but in no event later than 30 days after the day the hearing is concluded (SECTION 162.960 RSMo.).

7. At any hearing held pursuant to provisions of the law, the parent or guardian or their representative shall be entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person and to be represented by counsel. Prior to the hearing, the parent or guardian or their representative shall have access to any reports, records, clinical evaluations, or other materials on which the action to be reviewed was wholly or partially based and which could reasonably have a bearing on the correctness of the determination (SECTION 162.960 RSMo.).

8. A complete record shall be made of all proceedings at this hearing. This record shall include verbatim transcription of all testimony and shall include all documents, writings, or other evidence presented by any party (SECTION 162.960 RSMo.).

9. The decision of the board of education of the district or the State Board of Education shall be final except that any person aggrieved by the decision may appeal as provided in CHAPTER 536 RSMo. A copy of the board's decision together with a copy of its findings of fact shall be mailed on the day the decision is rendered to the parent or guardian by certified mail, return receipt requested (SECTION 162.965 RSMo.).

V.

Financial Reimbursement for Special Services*

*Reference may be made to SECTIONS 162.975, 162.980, 162.985 and 162.990 RSMo. for the specific language of the law.

State law directs the amount of financial reimbursement to local and special school districts providing approved special education programs. That information is provided below.

1. Each school district or special school district maintaining one or more approved special programs for handicapped or severely handicapped students shall receive state aid at the rate of six thousand dollars ($6,000) for each approved class except that approved classes for the educable mentally retarded (mild - moderate mental retardation) shall be funded at four thousand five hundred dollars ($4,500) per approved class; and approved classes of remedial reading shall be funded at three thousand five hundred dollars ($3,500) per approved class. Such amounts shall be in addition to aid provided by SECTION 163.031 RSMo.

2. For approved classes of students under five years of age but not under the age of three, state aid shall be determined in accordance with the provisions of SECTION 163.017 RSMo. for all age levels. In addition, the district shall receive for each such class one-half the amount provided in Subsection 1 of this Section.

3. For approved programs for gifted students, state aid not to exceed half the cost of instructional personnel and special materials listed and approved on the project application shall be apportioned.

4. An additional amount of four thousand dollars ($4,000) shall be received for each professional staff member, other than classroom teachers, who is employed to work full time with handicapped or severely handicapped students.

5. For classes of handicapped students, two thousand dollars ($2,000) shall be received for each full-time teacher aide when such aide is employed in accordance with standards approved by the State Board of Education.

6. Each school district or special district shall receive up to eight hundred dollars ($800) per year for each homebound student, students receiving special services outside the special class, or students served by contractual arrangement with a private or public agency.

7. Transportation aid for handicapped and severely handicapped students attending classes within the school district, special district, or nearby district under a contractual arrangement shall be paid in accordance with the schedule set forth in SECTION 163.161 RSMo. In addition, an amount equal to half the additional cost of transporting handicapped and severely

handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned where such special transportation is approved in advance by the State Department of Elementary and Secondary Education and is in accordance with laws and regulations governing school transportation vehicles. If students are transported to regular public school programs and also to a special school for an appropriate special program, the district furnishing the transportation may qualify for transportation reimbursement for both programs if approved by the State Department of Elementary and Secondary Education.

a. All handicapped or severely handicapped students not requiring special transportation arrangements shall be reported to the State Department of Elementary and Secondary Education for reimbursement of state transportation aid in the same manner as for all students of the district.

b. Handicapped and severely handicapped students attending classes within the district or nearby district under a contractual arrangement shall be paid in accordance with the schedule set forth in SECTION 163.161 RSMo. Claims for transportation aid will be submitted in accordance with the schedule set forth and will be submitted in the same manner as for all students of the district.

c. (1) Districts furnishing transportation for handicapped or severely handicapped students to regular school programs and also to a special school for an appropriate special program may qualify for transportation reimbursement for both programs if approved by the State Department of Elementary and Secondary Education. The district shall notify the Section of Special Education, State Department of Elementary and Secondary Education, of the desire to provide this type of transportation. The notification shall include a listing of the students to be transported, the age, grade in school, and the rationale for provision of this type of transportation arrangement.

(2) In submitting reimbursement requests for transportation of handicapped and severely handicapped students to two separate programs, Pupil Transportation Form #CD-67 is to be completed. Any questions relative to the reporting of students and claims for financial reimbursement for transportation costs should be referred to the Director of Pupil Transportation, State Department of Elementary and Secondary Education.

8. For each student under the age of 21 enumerated annually on the census of the handicapped and severely handicapped children and youth, the district shall receive one dollar ($1.00).

VI.

Permissive Special Education Services

Educational services to handicapped students under age five are permitted and encouraged where necessary. Standards and guidelines for the development of early childhood special education programs are provided in the following pages.

A. Early Childhood Special Education

The formal concept of early childhood special education includes an identification and education program for students from preschool age through the primary years involving components of diagnosis, counseling, prescriptive intervention, and family participation in the educative process. Early childhood programs should provide education appropriate to the student's developmental needs which will enhance his capability for successful school achievement during the ensuing years. SECTION 162.975 RSMo. provides financial assistance to school districts which develop early childhood programs for students three and four years of age. The payment schedule is described in Chapter V of this document.

1. ELIGIBILITY OF STUDENTS -

   a. Eligible students for state funding purposes include those students three and four years of age who have been diagnosed as having a mental, physical, or emotional disability or disorder, or who may have potential learning problems.

   b. The determination of eligibility and assignment of students shall be the responsibility of the administrative officer of the school. This determination should be based upon one or more of the following: medical reports, clinical evaluations, data gathered in interview with parents, and other indicators of existing or potential educational handicapping conditions. The administrative officer should utilize his staff and community resource personnel and agencies to assist in the determination of eligibility.

2. APPLICATION - A school district establishing a program for preschool handicapped students shall notify the Section of Special Education, State Department of Elementary and Secondary Education, of its intentions to establish such a program on or before July 1 of the program year.

3. SIZE OF CLASS - The approvable class size is six to ten students. Requests for approval of classes of fewer or more

students may be approved when accompanied by a narrative describing the nature of the handicaps and the rationale for requesting special approval.

4. PROGRAM GUIDELINES -

   a. Every effort should be made to avoid labeling and segregating students at this early age. Students with special needs are generally more like their nonhandicapped peers than unlike. Programs should, therefore, afford some opportunity for shared group experiences with students and adults with different needs and abilities. In this way, the handicapped student learns to cope with his limitations, gains confidence in his abilities and strengths, and gains acceptance by others.

   b. Effective early intervention implies individually developed educational programs for each student, precision teaching demonstrated by teachers and reinforced at home by parents, ongoing evaluation of progress and the development of alternate teaching/learning strategies as needed.

   c. Since the family is most often the primary and most significant influence in the life of the student, early education programs should support and assist parental involvement. Provision for meaningful parental involvement includes: participating in home teaching sessions with the student and the teacher; using follow-up learning activities and materials provided for the student and parent; assisting with group activities in the home or school setting; and participating in family counseling sessions and parent study groups.

   d. School and community resources should be fully utilized in order to make health and mental health services available as needed, as well as specialized programs and services related to various handicapping conditions.

   e. Ongoing communication and coordination between the preschool program and the formal school program are essential in order that the student's progress may be continuous.

5. STAFF RESPONSIBILITIES -

   a. Teacher responsibilities shall include:

      (1) Providing a minimum of 13 clock hours a week of instruction to students and/or parents in each class of ten or fewer students.

(2) Developing and implementing a program for each student commensurate with his abilities, needs, and handicapping condition.

(3) Providing a minimum of one hour a week of individualized instruction on a one-to-one basis with each student. This instruction should take place in the student's home and should include participation of the parent or other responsible family members.

(4) Preparing learning activities and materials for use by the parent in teaching his student at home.

(5) Planning and conducting group activities in the home or school environment. It is recommended that these group experiences integrate handicapped students into regular preschool program activities.

b. Teacher aides may be approved upon application to perform supportive services for handicapped preschool students. Services of teacher aides shall include:

(1) Assisting with instructional activities planned by and under the direction of the teacher.

(2) Assisting with the care and safety of students.

(3) Assisting in the preparation of materials.

(4) Providing other services as needed. Volunteer assistants may also be used to provide an optimal ratio of at least one adult for every four to six three- and four-year-old students.

c. Ancillary professional personnel may be employed to work with handicapped students and their parents and to assist teachers with program prescription. Such personnel may be retained for potential service needs on a prorated basis of service per class and be eligible for state supportive aid on a prorated basis.

6. RECORDS - A complete file shall be maintained for each preschool student. This record should include information obtained from the home, from medical sources, reports of screening and diagnosis, program prescriptions, progress reports, evaluation data, and other pertinent information. Records should be maintained in such a way that they may be utilized effectively as the student progresses from one educational level to another. Care must be taken to protect

the student's right to confidentiality. The review of a student's cumulative folder at any time must be solely for purposes of obtaining information which will help appropriate teachers and staff members provide an effective educational service for the student or to better understand the learning patterns and difficulties the student is experiencing or has experienced. When a school district provides review of such records to the parent or guardian of the student in compliance with the law, appropriate staff members should be present to assist in the interpretation and explanation of the information contained therein. It is recommended that each school district maintain a file of those individuals who have reviewed such records, including the date and purpose of review.

B. Programs for the Gifted

1. Gifted students are defined in SECTION 162.675 RSMo. as "those students who exhibit precocious development of mental capacity and learning potential and/or talent as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum."

2. Giftedness may show itself in the possession of a high level of general intelligence as measured by traditional tests, or it may be characterized by special abilities of a high order which are not necessarily associated with a high intelligence quotient. In any program concerned with the identification of gifted students, it is important to develop methods of detecting individuals of high intellectual ability as well as those who exhibit special creativity in such areas as the arts, music, mechanics, science, social relations, leadership, and organization.

3. School districts intending to provide educational programs for gifted students should submit to the Section of Special Education, State Department of Elementary and Secondary Education, by July 15 of each year, a project application in narrative form describing the proposed program to be implemented for the immediate academic year. This application should include the goals, objectives, and specific activities relative to each child to be served. In addition, the proposal should include:

    a. Number of students included in the program

    b. Basis for inclusion in the program (identification procedures utilized and results of those procedures)

    c. Total cost of program

        (1) Personnel

        (2) Instructional materials (to be listed separately)

    d. Name, social security number, and qualifications of proposed instructional personnel to be involved.

4. It is expected that programs for the gifted will be highly suitable for the individual student involved. They should be of a nature supplementary to the basic educational programming of the local district. It is not expected that such special services be provided within a self-contained classroom but instead serve as a means for providing academic challenges to students otherwise not totally served by existing programs.

5. SECTION 162.975 RSMo. provides financial assistance to school districts developing programs for gifted students. Financial assistance provided under that statute shall not exceed one-half of the cost of instructional personnel and special materials listed and approved on the project application submitted to the Section of Special Education, State Department of Elementary and Secondary Education.

C. Ancillary Personnel and Teacher Aides

1. PROFESSIONAL PERSONNEL -

   a. Ancillary Professional Services - Special services to handicapped students may include:

      (1) Medical services

      (2) Psychological services

      (3) Social services

      (4) Guidance and counseling services

      (5) Occupational therapy services

      (6) Physical therapy services

      (7) Other services

   b. Personnel Qualifications - All professionals listed for apportionment must be under contract by the local school district and fully qualified by their state licensing board or training institution. Examples are:

      (1) Physicians................Board of Healing Arts

      (2) Nurses (R.N.'s only)......State Board of Nursing

      (3) Social Workers...........Master's Degree in social work from an accredited college or university

      (4) Guidance Counselors.......Certificated by State Board of Education

      (5) Physical Therapists.......Must have completed a prescribed course of study at an accredited college or university and be listed on the professional registry

(6) Occupational Therapists...Must have completed a prescribed course of study at an accredited college or university and be listed on the professional registry

(7) Psychologists............Must have completed an approved course of study at an accredited college or university and meet the requirements for a professional degree

(8) Audiologists.............Certificate of Clinical Competence, American Speech and Hearing Association

(9) Speech [illegible]logists.......Certificate of Clinical Competence, American Speech and Hearing Association

Professional people, other than those listed above, may be approved on an individual basis. They must present evidence of academic preparation and competency in the area in which they are assigned.

2. TEACHER AIDES -

a. Upon application to the Director, Section of Special Education, State Department of Elementary and Secondary Education, local districts and special districts may be approved to provide teacher aides for handicapped and severely handicapped students. These aides may perform supportive services such as:

(1) Assist in the preparation of materials for presentation.

(2) Assist the student in moving safely from one area to another.

(3) Assist teachers in activities assigned by and under the direction of the teachers. The aide will not initiate instructions or activities independently.

(4) Other services as needed.

b. A school district or special district establishing classes for handicapped or severely handicapped students which require use of a teacher aide as part of the student's program shall make application to the Section of Special Education on or before July 1 of each year. The application shall include a narrative indicating the need and justification for teacher aides for whom apportionment is requested. The narrative shall include the number of handicapped students to be served by each aide, the nature of the handicapping conditions of the groups to be served, and the anticipated services to be rendered.

(1) Teacher aides must devote full time to approved special education classes.

(2) Teacher aides' assistance must relate to clerical and instructional services to the special education student.

c. Standards for teacher aides:

(1) High school diploma or equivalent.

(2) Eighteen years of age or over.

(3) Competency in the duties to be performed.

d. Approval of persons not meeting the standards set forth above may be granted when the application for approval includes an appropriate description of services to be rendered and the specific qualifying characteristics and experiences of such persons. This application should be submitted to the Director of Special Education, State Department of Elementary and Secondary Education. Forms for this purpose are available upon request.

Appendices

Appendix A

Early Childhood Screening Guidelines

Guidelines for an Early Childhood Screening Program

Designed for Children Ages Three through Five

PREPARED BY:

Task Force on Early Childhood Screening

of the

Advisory Committee on Early Childhood Development

to the

Missouri State Department of Elementary and Secondary Education

1974

CONTENTS:

Organizational Guidelines (copy attached)
Procedures and Resources for Follow-Through) Included in
Screening Instruments) Complete Document
Program Models)

Organizational Guidelines for an Early Childhood Screening Program

PREFACE:

In accordance with House Bill 474, enacted by the 77th Session of the Missouri Legislature and signed by the Governor on August 1, 1973, every child is guaranteed the right to an education that is appropriate to his developmental needs. To assist the schools in identifying the needs of children at an early age, a task force was established by the State Department of Elementary and Secondary Education to develop guidelines for early childhood screening.

I. PURPOSE OF EARLY SCREENING

The purpose of early screening of children ages three through five is to identify suspected physical, behavioral, and educational problems that may interfere with their ability to achieve success in school. A screening program, which should be offered to all children, is also intended to gain better understanding of the diversity and variability of their developmental levels.

II. DEFINITION OF SCREENING

Screening is defined as the use of relatively simple devices, administered on initial contact with the population, which are valid and reliable in terms of determining relative normalcy. Interventions initiated on the basis of the test results should lead to a significantly different effect than if deferred to the time when the problem would normally be identified.

III. REASONS FOR SCREENING

The primary reasons for screening are:

A. To develop public awareness of the need for early identification and treatment of suspected physical, behavioral, and educational problems.

B. To assist parents and teachers in becoming more knowledgeable of the variability in early childhood development.

C. To plan educational programs of a developmental nature for children so identified to be carried out at home, at school, and in the community that will enhance each child's capability of realizing his full potential for development.

IV. PROCEDURES FOR ORGANIZING AN ESP (HEREINAFTER REPRESENTING EARLY SCREENING PROGRAM)

A. School/Community Cooperation

Joint efforts between a local school system and community groups and agencies facilitate an ESP. A local school system should either initiate the program or be involved in it on a cooperative basis.

B. The Role of the Primary Advocates, the Initiators of an ESP

1. The primary advocates in a locale should consist of a team of at least two persons: one educator in the school system designated by the superintendent and one community person.
2. The role of the primary advocates is to serve as an initial stimulus to create an interest in ESP in the community, to seek financial support, to begin to recruit volunteers and to obtain such professional consultation as seems desirable. (See IV.D)

C. The Role of the Implementor

1. The primary advocates should select an implementor for the ESP.
2. The implementor should be part of a funded structure, preferably holding a paid position with the local school system.
3. The implementor will administer the ESP, being knowledgeable of community resources, including the activities and services of various organizations, and being sensitive to the concerns of

community power groups. The implementor will provide for public relations activities, volunteer recruitment and training, scheduling, the mechanics of screening and follow-through.

4. The implementor should be skilled in administration. How many of the skills he or she will have, as listed under "3" above will determine how much additional training and help he or she will need.

5. If the implementor's skills do not include ability to report screening results to parents, it will be necessary to seek consultation from a qualified person to carry out this task. A person qualified to report the screening results should be one of the following: school psychologist; clinical psychologist; psychiatric social worker; guidance counselor; learning disabilities specialist or one experienced and previously trained in the administration and reporting of the screening tools to be used.

6. The reporting of screening results by the implementor, or his designated consultant, should not leave the impression that an in-depth diagnostic evaluation of a child has been made on the basis of screening results. Rather the implementor, or his designated consultant, should inform the parent or legal guardian of any findings noticed in the screening protocol which should be evaluated further by testing of a diagnostic nature.

D. Consulting Services

1. Workshops concerning an ESP are to be given in each of the eleven supervisory districts of the state for personnel designated by the superintendent to represent their districts. The workshops are to be conducted by State Department of Elementary and Secondary Education personnel assisted by members of the Task Force on Early Childhood Screening. The workshops should be designed to clarify and discuss the ESP guidelines and the ESP models.

2. Future consideration should be given to the establishment of a corps of regional consultants from the State Department of Elementary and Secondary Education to assist the local school districts in coordinating resources and in implementing screening and follow-up procedures.

V. PROCEDURES FOR IMPLEMENTING AN ESP

A. Public Relations Aspects

1. In publicizing and conducting an ESP, a positive approach is extremely important. Early screening should be presented as a means of looking at the needs of all young children in a broad developmental sense that can lead to better educational opportunities for them.

2. Community groups and agencies that should be informed and involved in an ESP include:

    a. Pediatricians, physicians, hospitals, well-baby clinics, mental health agencies, extension and child welfare services and other professionals and agencies concerned with the health and welfare of young children.

    b. Head Start and other public and private programs providing child care and early education.

    c. Church and community clubs and organizations that provide volunteer services; and other parent groups such as United Cerebral Palsy Association, Missouri Association for Retarded Children, Missouri Association for Children with Learning Disabilities.

Publicity regarding an ESP should utilize all public information media including:

a. Notes and flyers sent from the schools.

b. Notices in bulletins and newsletters from churches and other community organizations.

c. Parent meetings to inform parents of the purpose and nature of an ESP.

d. Publicity on dates, times and locations, via newspapers, radio and TV.

B. Procedures and Resources for Follow-Through

1. A directory of all available resources for diagnosis and follow-up should be developed at the local level.

2. Further evaluation of those children found to have marked developmental variability should be initiated at the local level prior to referral outside the community.

3. See Appendix B for a directory of resources, procedures for referral and suggested follow-up learning activities for home and school use.

4. It is suggested that the State Department of Elementary and Secondary Education build in some empirical research of varied ESP results, selecting samples of urban, rural, and small-town population throughout the state for study. Statistical information would include: number and types of problems detected, types of referrals made, services used and types of educational treatment that resulted.

C. Determination of Program Structure

1. The implementor, with assistance from other professionals, should select the screening tools to be used. See Appendix B for a survey of appropriate screening instruments, including procedures for vision and hearing screening.

2. The implementor should arrange for dates, locale, personnel and physical setup for screening and reporting to parents.

D. Training Program for Administration of Screening Tools

1. Screening tools may be administered by volunteers as well as professionals. Local needs and availabilities will determine which personnel are involved. In some instances both professionals and volunteers may be administering the tools.

2. Four models of training programs are found in Appendix C, namely: the Kansas City Model, as carried out by Southeastern Jackson County Mental Health Association; the St. Louis County Health Department Model; the Miriam School Model, the Brookfield School District Model. The Kansas City

Model is an outreach kind of model, that may prove appropriate to communities having fewer professional resources available. The St. Louis Model is an agency-based model, having the availability of many professional resources. The Miriam School Model focuses on training local school personnel. The Brookfield Model represents a screening program implemented by a school district serving a small town and surrounding rural area.

3. If the Denver Developmental Screening Test is used, a training film is available for rental from the publisher at $45.00 a week. Training procedures can be observed by prior arrangement with the Southeastern Jackson County Mental Health Association and the St. Louis County Health Department, Division of Mental Health.

E. Parent Relations

1. An important aspect of an ESP is the initial contact with the parent before or at the time of screening. Various approaches to parent contact are described under each program model in Appendix C.

2. Reporting to parents on the screening results is equally important.

   a. The implementor, if he is not so qualified, must be able to obtain consulting services of someone qualified for reporting, as previously stated, i.e.: school psychologist, clinical psychologist, psychiatric social worker, guidance counselor, learning disabilities specialist or a person trained in administration and interpretation of results of the screening tool(s) being used in the ESP.

   b. The results of each child's screening tests should be reported to the parents or legal guardians. The results of screening for children identified as essentially normal could be reported through written communication, with opportunity given for parent conference if desired. It should be emphasized that the child should be checked again in one year. This could be approached in a manner similar to dental checkups.

c. The reporting of screening results for those children identified as having a possible problem should be made in person. Again, it is emphasized that such reporting by the implementor or his designated consultant should be structured so as not to leave the impression with the parent that a diagnosis has been made, but that the screening tools employed have indicated the need for further testing of a diagnostic nature to determine whether a problem actually exists. Sensitive reporting of all test results is essential to maintain good public relations.

d. A primary purpose for reporting to parents on screening results should be to involve them as fully as possible in the follow-up educational and developmental processes in the home, school, and community.

Appendix B

Screening and Diagnostic Instruments, K-12

Instruments for consideration in developing an educational screening and diagnostic program are provided. This list is not to be interpreted as all-inclusive of available resources, nor does it infer endorsement of these instruments by the State Department of Elementary and Secondary Education.

Visual Acuity:

Keyston Telebinocular

Titmus Vision Tester

Bausch & Lomb Orthorater

Auditory Sensitivity:

Commercially available screening audiometers.

Auditory Perception:

Boston University Speech
Sound Discrimination Test

Wepman Test of Auditory Discrimination
Language Research Association
Chicago, Illinois

Monroe Test of Auditory Memory
Monroe Reading Test
Houghton Mifflin Company
53 West 43rd Street
New York, New York 10036

Goldman-Fristoe-Woodcock
Test of Auditory Discrimination
American Guidance Service, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Perceptual Motor Integration:

Marianne Frostig
Follett Publishing Company
1010 West Washington Boulevard
Chicago, Illinois 60607

Developmental Test of Visual Percept
Consulting Psychologists Press
577 College Avenue
Palo Alto, California

Weschler Pre-Primary Scale of Intelligence (WPPSI)
Psychological Corporation
304 East 45th Street
New York, New York 10017

Peabody Picture Vocabulary Test
American Guidance Service, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Achievements:

Wide Range Achievement Test
Guidance Associates
1526 Gilpin Avenue
Wilmington, Delaware

Stanford Achievement Test
Harcourt, Brace & Warok, Inc.
New York, New York

Gates - MacGinitie Reading Tests
Teachers College Press
Teachers College
Columbia University
New York, New York

Speech Disorders:

Goldman-Fristoe Test of Articulation
American Guidance Services, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Templin-Dorley Test of Articulation

Photo Articulation Test

Arizona Articulation Proficiency Scale

Language Disorders:

Illinois Test of Psycholinguistic Abilities
(semantics and syntax)

Ammons and Ammons Full-Range Picture Vocabulary Test
(semantics)

Northwestern Syntax Screening Test
(syntax)

Peabody Picture Vocabulary Test
(semantics)

Development Test of Visual-Motor Integration
Follett Educational Corporation
Chicago, Illinois

Kephart's Perceptual-Motor Survey Rating Scale
Appleton-Century Crafts
New York, New York

Special Tests:

Illinois Test of Psycholinguistic Abilities
Illinois University Press
Urbana, Illinois

Psychological Inventory of Basic Learning Disability
Fearon Publishing Company
2165 Park Boulevard
Palo Alto, California

Sensory Motor:

Bender Visual Motor Gestalt Test
Western Psychological Services
Box 775
Beverly Hills, California 90213

Harris Test of Lateral Dominance
The Psychological Corporation
304 East 45th Street
New York, New York

Purdue Perceptual Motor Survey
Charles E. Merrill
1300 Alum Creek Drive
Columbus, Ohio 63216

Developmental Test of Visual-Motor Integration
Follett Educational Corporation
Chicago, Illinois

Oseretsky Tests of Motor Proficiency
American Guidance Service, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Beery Test of Visual Perception
Follett Publishing Company
1010 West Washington Boulevard
Chicago, Illinois 60607

Southern California Figure-Ground Visual Perception Test
Western Psychological Services
Box 785
Beverly Hills, California 90213

Readiness:

First Grade Screening Test
American Guidance Service, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Lee-Clark Reading Readiness Test
California Test Bureau
Del Monte Research Park
Monterey, California

Metropolitan Readiness Tests
Harcourt Brace World, Inc.
New York, New York

Behavior:

The Child Behavior Rating Scale
Western Psychological Services
Box 775
Beverly Hills, California 90213

Vineland Social Maturity Scale
American Guidance Services, Inc.
Publisher's Building
Circle Pines, Minnesota 55014

Devereux Elementary School Behavior Rating Scale
Devereux Foundation
Dexon, Pennsylvania

Mooney Problem Check List
The Psychological Corporation
304 East 45th Street
New York, New York 10017

Intelligence:

Wechsler Intelligence Scale for Children
The Psychological Corporation
304 East 45th Street
New York, New York 10017

Stanford-Binet Intelligence Scale
Houghton Mifflin Company
Boston, Massachusetts

Slosson Test of Intelligence
Slosson Educational Publications
140 Pine Street
East Aurora
New York, New York

Reading Disabilities:

SPACHE Diagnostic Reading Scale
Durrell Diagnostic Reading Scale

Arithmetic Diagnostic Test:

Key Math Diagnostic Arithmetic Test

Appendix C

Remedial Reading Services

In addition to the special education services required for all mentally and physically handicapped students as defined by law, the State Department of Elementary and Secondary Education is also authorized to provide state aid in the amount of $3,500 per approved class for districts offering remedial reading programs for eligible students. (SECTION 162.975 RSMo.)

1. SIZE OF CLASS -

An approved class in remedial reading shall include a caseload of 35 to 50 students. It is not necessary nor expected that services will be provided to the entire class during any given class session. An alternative procedure may include, upon approval by the Director of the Section of Special Education, an additional 20 to 35 eligible students served indirectly by providing assistance to the classroom teacher responsible for providing reading services to the eligible student.

2. GUIDELINES FOR REMEDIAL READING SERVICES -

a. Reading achievement may be assessed by any of several instruments commercially available for this purpose.

b. Reading expectancy may be determined by any of several methods. The following formula is presented as an example:

$$\frac{\text{I.Q. x years in school}}{100} + 1 = \text{Reading Grade Expectancy}$$

c. Intellectual assessment--Approvable individual intelligence tests:

Wechsler Intelligence Scale for Children

Stanford-Binet Intelligence Test

Slosson

Others with State Department of Elementary and Secondary Education approval

Intelligence test scores shall have been obtained within the last three years. Achievement tests shall be administered at least on a yearly basis.

d. Students having deficient reading skills in relation to their reading potential should be considered as candidates for this program. Students identified as needing remedial reading services shall have a comprehensive diagnostic evaluation in the following areas: intelligence, visual acuity, hearing sensitivity, visual and auditory perception, reading achievement, and diagnosis of reading difficulties. On the basis of the diagnostic findings, the reading specialist in consultation with other appropriate professional personnel shall determine the eligibility of each student referred. Although many factors go into determining a student's eligibility for remedial reading, in the final analysis there must be a reading deficiency in relation to reading potential. The reading deficit for any given student may be determined by comparing the actual reading achievement with the projected reading expectancy of the student. Personnel administering tests for placement purposes shall be approved by the State Department of Elementary and Secondary Education.

e. Students may receive services singly or in small groups on a schedule determined by individual need. The reading specialist shall be responsible for returning the student to the regular reading program when satisfactory reading skills have been achieved.

f. Students seen as an entire group in the regular classroom in a developmental reading program shall not be considered enrolled in a remedial reading program.

g. Specific learning disabilities and related physical and mental handicapping conditions as defined in the regulations should be ruled out by the above procedures before the student is eligible exclusively for a remedial reading program.

Certification Standards for Teachers of Remedial Reading

I. Professional Preparation Required for Permanent Certification:

Applicant must have completed a Baccalaureate Degree from an accredited college or university with at least 2 semester hours' credit each in courses A through C listed in Part III below and 3 semester hours' credit each in courses D and E listed in Part III below. A permanent Missouri teachers certificate is required before a permanent certificate can be granted in Remedial Reading.

II. Professional Preparation Required for a Two-Year Certificate:

Applicant must have a Baccalaureate Degree from an accredited college or university, a valid elementary or secondary teaching certificate and must have completed three of the five courses required for permanent certification as listed in Part III below.

III. Courses Required for Certification in Remedial Reading:

A. Teaching of Reading

B. Methods of Remedial Reading or Analysis and Correction of Reading Disabilities

C. Individual Intelligence Testing or Psycho-Education Measurement*

D. Practicum in Diagnosis of Reading Difficulties (3 hours minimum)

E. Practicum in Remediation of Reading Difficulties (3 hours minimum)

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*Psycho-Education Measurement - Coursework must include the administration and interpretation of one or more of the following individual ability tests: the Stanford-Binet, the WISC, the Slosson, or the PPVT, and may include other tests important to a remedial reading program.

Appendix D

Teacher Certification Standards Special Education Personnel

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Special education teacher certification standards adopted by the State Board of Education are provided by category of teaching service. At the time of adoption by the State Board of Education, two categories of teaching service were still under consideration: they were:

1. Teacher Certification Standards for Teachers of the Severely Handicapped.
2. Teacher Certification Standards for Teachers of Early Childhood Special Education.

Copies of these standards are available upon request by contacting the Director, Teacher Certification, State Department of Elementary and Secondary Education, Post Office Box 480, Jefferson City, Missouri 65101.

Certification Standards for Teachers of Educable Mentally Retarded Students

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Educable Mentally Retarded Children and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant who is pursuing life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Educable Mentally Retarded Children and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or

B. *Adolescent Psychology (if secondary)

C. *Interpretation of Educational Tests and Measurements

D. *Educational Psychology

E. *Teaching of Reading

F. *Teaching of Arithmetic

G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child

B. *Methods of Teaching the Educable Mentally Retarded Child

C. *Student Teaching (5 semester hours minimum)

D. *Methods of Remedial Reading (or Analysis and Correction of Reading Disabilities)

E. *Language Development for Exceptional Children

F. Introduction to EMR

G. Child Growth and Development

H. Practicum or Internship with EMR Children

I. Counseling Techniques

J. Behavioral Management Techniques

K. Mental Hygiene or Abnormal Psychology

L. Sociology (maximum of 3 hours accepted in this area)

M. Occupational and Vocational Information (if secondary)

N. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for Teachers of Students with Specific Learning Disabilities

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Children with Specific Learning Disabilities and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Children with Specific Learning Disabilities and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or
B. *Adolescent Psychology (if secondary)
C. *Interpretation of Educational Tests and Measurements
D. *Educational Psychology
E. *Teaching of Reading
F. *Teaching of Arithmetic
G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child
B. *Methods of Teaching the Child with Specific Learning Disabilities
C. *Student Teaching (5 semester hours minimum)
D. *Methods of Remedial Reading (or Analysis and Correction of Reading Disabilities)
E. *Language Development for Exceptional Children
F. Introduction to SLD
G. Child Growth and Development
H. Practicum or Internship with SLD Children
I. Counseling Techniques
J. Behavioral Management Techniques
K. Mental Hygiene or Abnormal Psychology
L. Sociology (maximum of three hours accepted in this area)
M. Occupational and Vocational Information (if secondary)
N. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for Teachers of Students with Behavioral Disorders and/or Emotionally Disturbed

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Emotionally Disturbed Children and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Emotionally Disturbed Children and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or

B. *Adolescent Psychology (if secondary)

C. *Interpretation of Educational Tests and Measurements

D. *Educational Psychology

E. *Teaching of Reading

F. *Teaching of Arithmetic

G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child

B. *Methods of Teaching the Emotionally Disturbed Child

C. *Student Teaching (5 semester hours minimum)

D. *Methods of Remedial Reading (or Analysis and Correction of Reading Disabilities)

E. *Language Development for Exceptional Children

F. Introduction to ED

G. Child Growth and Development

H. Practicum or Internship with Emotionally Disturbed Children

I. Counseling Techniques

J. Behavioral Management Techniques

K. Mental Hygiene or Abnormal Psychology

L. Sociology (maximum of 3 hours accepted in this area)

M. Occupational and Vocational Information (if secondary)

N. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for Speech and Language Clinicians

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in Speech Pathology. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 15 semester hours of professional training as required in Part III below and at least 14 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree and a minimum of 17 semester hours from Part III and IV below. Specific courses which are required for temporary certification are: Audiology, Phonetics, Anatomy and Physiology of the Speech Mechanism, and approximately 100 contact hours of supervised clinical practice.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, and a minimum of 17 semester hours from Part III and IV below. Specific courses which are required for temporary certification are: Audiology, Phonetics, Anatomy and Physiology of the Speech Mechanism, and approximately 100 contact hours of supervised clinical practice. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Training: 15 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) Courses must be completed for a minimum of 2 semester hours each.

A. Audiology

B. 12 semester hours from courses in Speech Pathology, Language Disabilities, Clinical Methods, and Clinical Practice

C. 200 contact hours of supervised Clinical Practice with a minimum of 50 contact hours in school settings

IV. Special Courses: One course of not less than 2 semester hours from each of the following areas if required. (Courses meeting requirements in Part IV are not to be counted in Part III.)

A. Education or Psychology of the Exceptional Child

B. Child Psychology or Child Development

C. Adolescent Psychology

D. Phonetics

E. Public Speaking

F. Anatomy and Physiology of the Speech Mechanism

G. Mental Hygiene

Certification Standards for Teachers of the Orthopedically Handicapped

I. Professional Preparation Required for Permanent Certification (two possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching the Orthopedically Handicapped, and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching the Orthopedically Handicapped, and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or

B. *Adolescent Psychology (if secondary)

C. *Interpretation of Educational Tests and Measurements

D. *Educational Psychology

E. *Teaching of Reading

F. *Teaching of Arithmetic

G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child

B. *Methods of Teaching the Orthopedically Handicapped

C. *Student Teaching (5 semester hours minimum)

D. *Methods of Remedial Reading (or Analysis and Correction of Reading Disabilities)

E. *Language Development for Exceptional Children

F. Introduction to the Orthopedically Handicapped

G. Child Growth and Development

H. Practicum or Internship with the Orthopedically Handicapped

I. Counseling Techniques

J. Behavioral Management Techniques

K. Mental Hygiene or Abnormal Psychology

L. Sociology (maximum of 3 hours accepted in this area)

M. Occupational and Vocational Information (if secondary)

N. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for Teachers of the Blind and/or Partially Seeing

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching the Blind and/or Partially Seeing, and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching the Blind and/or Partially Seeing, and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or

B. *Adolescent Psychology (if secondary)

C. *Interpretation of Educational Tests and Measurements

D. *Educational Psychology

E. *Teaching of Reading

F. *Teaching of Arithmetic

G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child

B. *Methods of Teaching the Blind and/or Partially Seeing

C. *Student Teaching (5 semester hours minimum)

D. *Teaching of Reading and Writing Braille

E. *Anatomy and Physiology of the Eye

F. *Language Development for Exceptional Children

G. Introduction to Education of the Blind and/or Partially Seeing

H. Child Growth and Development

I. Practicum or Internship with the Blind

J. Counseling Techniques

K. Behavioral Management Techniques

L. Mental Hygiene or Abnormal Psychology

M. Sociology (Maximum of 3 hours accepted in this area)

N. Occupational and Vocational Information (if secondary)

O. Typewriting

P. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for Teachers of the Deaf and/or Hard of Hearing

I. Professional Preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 18 semester hours of professional education as required in Part III below and at least 30 semester hours as required in Part IV below.

II. Professional Preparation Required for a Two-Year Certificate:

A. An applicant who is pursuing life certification under Plan A above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Language and/or Speech to the Deaf and sufficient coursework in Part III and IV below so that deficiencies for life certification will not exceed 12 semester hours.

B. An applicant applying for life certification under Plan B above will qualify for a two-year certificate provided he or she has a Baccalaureate Degree, a valid Missouri elementary or secondary teachers certificate, a minimum of 2 semester hours each in Education or Psychology of the Exceptional Child, Methods of Teaching Language and/or Speech to the Deaf and sufficient coursework in Part III and IV below so that deficiencies for a life certificate will not exceed 12 semester hours. If total deficiencies are more than 8 semester hours or the applicant has no credit in Student Teaching, an Academic Contract will be required for a temporary certificate.

III. Professional Education Courses: 18 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) *Required Courses: These courses must be completed for a minimum of 2 semester hours each.

A. *Child Psychology (if elementary) or

B. *Adolescent Psychology (if secondary)

C. *Interpretation of Educational Tests and Measurements

D. *Educational Psychology

E. *Teaching of Reading

F. *Teaching of Arithmetic

G. Electives in Professional Education

IV. Special Courses: 30 semester hours required. Each course counted toward this 30 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Education or Psychology of the Exceptional Child

B. *Teaching Language and/or Speech to the Deaf

C. *Student Teaching (5 semester hours minimum)

D. *Speechreading and Auditory Training

E. *Audiology

F. *Anatomy and Physiology of Auditory and Speech Mechanisms

G. Introduction to Deaf Education

H. Practicum or Internship with the Deaf and/or Hard of Hearing

I. Counseling Techniques

J. Behavioral Management Techniques

K. Mental Hygiene or Abnormal Psychology

L. Sociology (maximum of three hours accepted in this area)

M. Occupational and Vocational Information (if secondary)

N. Other Methods or Techniques of Teaching the Handicapped Child

Certification Standards for School Psychological Examiner

I. Applicant must have completed the Master's Degree in an approved college or university in one of the following areas:

- A. Psychology
- B. Educational Psychology
- C. Guidance and Counseling
- D. Education

II. Applicant must have completed one course for at least two semester hours in each of the following ten areas:

- A. General Psychology
- B. Psychological Development: Child, Adolescent or Developmental Psychology
- C. Psychology of Exceptional Children or Analysis of the Individual Student
- D. Psychology of Education (graduate level)
- E. Statistical Methods
- F. Mental Hygiene, or Psychology of Personality
- G. Methods and/or Techniques of Counseling
- H. Psychological Tests and Measures, or Group Testing (graduate level)
- I. Individual Psychological Testing (graduate level)
- J. Principles and Practices of the Guidance Program

III. It is recommended that other courses in Psychology, Educational Psychology, and Guidance and Counseling be included in further preparation.

IV. Coursework for Two-Year Certification: Applicant must have completed Part I and five of the above ten areas in Part II before certificate can be issued.

Courses specifically required for temporary certification are:

A. Statistical Methods

B. Psychological Tests and Measures or Group Testing (graduate level)

C. Individual Psychological Testing (graduate level)

Certification Standards for Teachers of Trainable Mentally Retarded Students

I. Professional preparation Required for Permanent Certification (2 possible plans):

Plan A: Applicant must have completed a degree (Baccalaureate or Master's) from a college or university with an accredited program in Teacher Education, with a complete major in an area of Special Education. Under Plan A, the coursework for this degree must include the coursework required in Part III and IV below and all work must be completed at the time of the original request for this certificate.

OR:

Plan B: Applicant must have a Baccalaureate Degree from an accredited college or university, a life Missouri elementary or secondary teaching certificate with at least 20 semester hours of professional education as required in Part III below and at least 24 semester hours as required in Part IV below.

II. Professional Preparation Required for a Temporary Certificate:

A. Temporary certificates are available to applicants holding a Baccalaureate Degree if deficiencies for life certification do not exceed 12 semester hours. An Academic Contract is required if deficiencies exceed 8 semester hours.

B. Teachers with permanent certification in the Educable Mentally Retarded field may, at the expiration of two years teaching service in the Trainable Mentally Retarded field, be awarded permanent Trainable Mentally Retarded certification.

III. Professional Education Courses: 20 semester hours required. (Courses meeting requirements in Part III are not to be counted in Part IV.) These courses must be completed for a minimum of 2 semester hours each.

A. The Pupil (Educational Psychology, Child Psychology, Child Growth and Development, etc.) 4 hours minimum

B. The School (History or Philosophy of Education, Foundations of Education, Organization and Management, etc.) 4 hours minimum

C. Theory and Practice (Education of Children with Retarded Mental Development - Theory (Trainable), Education of Children with Retarded Mental Development - Practice (Trainable), Curriculum and Materials for Children with Retarded Mental Development (Trainable, etc.) 4 hours minimum

D. Other Education Courses

IV. Other Courses: 24 semester hours required. Each course counted toward this 24 hours must be completed for a minimum of 2 semester hours. (Courses meeting requirements in Part IV are not to be counted in Part III.) *Required Courses:

A. *Music for Elementary Schools

B. *Physical Education for Elementary School or Elementary Plays and Games

C. *Speech for the Classroom Teacher (3 hours minimum)

D. *Arts and Crafts (4 hours minimum)

E. *Introduction to Exceptional Children or Psychology of the Exceptional Child

F. Mental Retardation

G. Arts and Crafts for the Handicapped

H. Parent Counseling

I. Children's Literature

J. Audio-Visual Aids

K. Abnormal Psychology

L. Mental Hygiene or Psychology of Personal Adjustment

M. Child Care

N. Methods of Teaching Home Economics in the Elementary and Junior High School

O. Fundamentals of Guidance

P. Individual Intelligence Testing

Appendix E

Forms Required for Special Education Program Approval

Special Education Class Approval

This form is to be completed by the local school district responsible for providing special education services and wishing to receive categorical aid for such services as provided by law. It is to be received by the Director, Section of Special Education, State Department of Elementary and Secondary Education, on or before October 15 of the school year in which reimbursement is being claimed. A copy should be kept for the school district's file.

SAMPLE

STATE USE ONLY

ACTION	DATE
Received	
Approved	
Disapproved	

MISSOURI STATE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Special Education Section
P. O. Box 480
Jefferson City, Missouri 65101

* * * * * * * * * * * *

SPECIAL EDUCATION CLASS APPROVAL

Legal Name of Educational Agency	*County Code*	*District Code*	*Telephone*
Address	*City*		*Zip Code*
Authorized Representative	*Contact Person*		*Telephone*

I. TEACHING PERSONNEL

Teacher's Name	Social Security Number	Type of Class	Number of Students
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

SAMPLE

II. OTHER PROFESSIONAL PERSONNEL

Name	Social Security Number	Staff Position	% of School Day Spent Serving Handicapped
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

III. TEACHER AIDES

Name	Social Security Number	% of School Day Spent Serving Handicapped
1.		
2.		
3.		
4.		
5.		
6.		
7.		

IV. PRESCHOOL PROGRAMS

Teacher's Name	Social Security Number	Number of Students
1.		
2.		
3.		
4.		
5.		

Certification by Public Agency/Nonprofit Organization of Special Education Services

This form is to be completed by the public or private organization which provided the education program for handicapped students. The report shall be submitted to the local school district in which the parent or guardian of each handicapped student resides on or before June 30 following the completion of the school year. A copy of the form shall be forwarded to the Director, Section of Special Education, State Department of Elementary and Secondary Education.

SAMPLE

MISSOURI STATE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Certification by Public Agency Nonprofit Organization of Special Education Services

School Year ________

This is to certify that the ______________________ (agency or organization) provided special education programs for the following students from the ______________________ (district).

Name	Birthdate	Handicapping Condition	Date Enrolled TO	Date Service Ended	No. of Full Days Served*

*(Attendance of at least 3 hours but less than a full day shall be certified as a half day.)

____
(Director)

____

E-6

551

2314

2315

Application for Homebound Instruction

This form shall be completed for each student for whom a responsible local district or special district wishes to provide homebound instruction. This form will need to be approved by the Director, Section of Special Education, State Department of Elementary and Secondary Education, before state aid can be provided to assist in the proposed homebound services.

SAMPLE

MISSOURI STATE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Special Education Section
P. O. Box 480
Jefferson City, Missouri 65101

STATE USE ONLY

ACTION	DATE
Received	
Approved	
Disapproved	

APPLICATION FOR "HOMEBOUND" INSTRUCTION

Legal Name of Educational Agency	County Code	District Code	Telephone
Address	City		Zip Code
Authorized Representative	Contact Person		Telephone

Mailing Instructions Return one copy to the state address indicated above. Retain one copy for your record.

Date of Application ____________ Name of Student ____________ D.O.B. ______

Name of Parent ____________ Grade ______

Address ____________

TO BE COMPLETED BY SCHOOL DISTRICT

Teaching by telephonic communication ________ YES ________ NO

Teaching by home teacher ________ YES ________ NO (If yes, complete remainder of section.)

____________ Name of Teacher

____________ Teacher's Soc. Sec. No.

____________ Type of Certificate Now Held

TO BE COMPLETED BY ATTENDING PHYSICIAN (If Applicable)

Does condition preclude student from maintaining regular school schedule? ________ YES ________ NO

Diagnosis ____________

Appro[illegible] length of time student will be homebound ____________

Does condition limit the length of instruction time per day? ________ YES ________ NO (If yes,
please indicate number of minutes per day ________

Recommendations ____________

Date ____________ Signature of Physician ____________

E-8

2317

Application for Preliminary Approval of a Nonprofit Organization to Contract with Public Educational Agencies

This form must be completed by a public or private nonprofit organization wishing to receive preliminary approval to provide special educational services under contractual agreement with a public educational agency. Approval of this form by the State Department of Elementary and Secondary Education permits that organization to be considered for legal contractual services. However, approval of the agency for any particular proposed service to be offered shall be considered on the specific nature of such services as it relates to the educational needs of the individual student. Approval of this form is subject to further investigation or evaluation of the organization by the State Board of Education.

SAMPLE

APPLICATION FOR PRELIMINARY APPROVAL OF A NONPROFIT ORGANIZATION TO CONTRACT WITH PUBLIC EDUCATIONAL AGENCIES

I. GENERAL STANDARDS

In the event a public educational agency is unable to provide special educational services directly within its facilities, it is permissible to contract with nonprofit organizations for such services in accordance with SECTION 162.705 RSMo. It is the purpose of this form to determine the eligibility of a nonprofit organization for preliminary contract approval with a local educational agency or State Department of Elementary and Secondary Education. Final approval will be pursuant to the submission to the State Department of Elementary and Secondary Education of a contract negotiated between the nonprofit organization and a local school district or State Department of Elementary and Secondary Education facility.

Before final approval for state support of a handicapped student in a non-profit private educational organization can be given, the State Department of Elementary and Secondary Education shall determine that (1) the quality of programming, supporting staff and services, facilities and supplies is at least equal to that provided students without educational handicaps in the contracting district, and (2) that the local district or special district or State Department of Elementary and Secondary Education facility cannot provide an appropriate educational program by any other reasonable alternative.

II. PROGRAM STANDARDS

A. The organization must offer proof of financial solvency and be capable of fulfilling its commitments for the education of eligible students enrolled in any or all courses.

B. A reasonable teacher-student ratio shall be established and maintained.

C. Good housekeeping must be maintained throughout the facility at all times.

D. The organization providing programs shall keep accurate and up-to-date class schedules, records, and reports.

E. The programs shall be in compliance with applicable local ordinances, state and federal statutes, licensing laws and regulations.

F. The organization shall furnish a detailed schedule of tuition, fees, and other charges.

III. PERSONNEL STANDARDS

State aid shall not be granted unless the personnel employed in the special program have been specifically trained for work in the area of responsibility for which they are charged. Professional personnel shall be subject to certification review and approval by the State Department of Elementary and Secondary Education. Ancillary and supportive staff shall be adequate to assist the professional staff.

SAMPLE

IV. GENERAL INFORMATION

A. Legal Name of Organization ____________________

Address ____________________ ____________________
Street City

State ____________ Zip ____________ Telephone ____________

B. Is organization incorporated? ________ YES ________ NO. If yes, please list office with title. ____________________

C. Does organization have a Board of Directors? ________ YES ________ NO. If yes, please list. How appointed or elected? ____________________

(Attach addendum if necessary.)

D. Is organization accredited by a licensing agency or board? ________ YES ________ NO.

If so, please explain. ____________________

E. Fiscal information (sources of operating capital): List all funds available other than state educational monies. ____________________

(Attach addendum if necessary.)

F. Chief administrative officer:

Name ____________________ Title ____________________

Qualifications: Degrees held ____________________

[illegible]

SAMPLE

Work experience

(Attach addendum if necessary.)

G. Professional staff involved with students. Include a separate sheet indicating instructor's name, social security number, degrees held, age, work experience, certification held, and subject area taught.

H. Admission requirements. Please give a brief narrative explaining admission policies for handicapped students.

I. Refund policy. Please indicate refund policy relative to unused portion of tuition and or fees of students.

J. Is organization church affiliated? If so, please explain.

SAMPLE

CERTIFICATION

I certify that to the best of my knowledge the information contained in this application is correct and complete and that the applicant agency named in Part IV has authorized me, as its representative, to give the above assurances and to file this application.

Name (Please Print)

Signature

Position Title

SEND COMPLETED FORM TO:

Director –
Section of Special Education
Division of Special Education
State Department of Elementary
and Secondary Education
Post Office Box 480
Jefferson City, Missouri 65101

Application for Preliminary Approval of a Nonprofit Organization to Contract with Public Educational Agencies

This form shall be completed by the local district or special district responsible for providing special education services and proposing to provide those services by contractual arrangement. This form must be received and approved by the Director, Section of Special Education, State Department of Elementary and Secondary Education, before the responsible educational agency can legally enter into the proposed educational contract.

SAMPLE

STATE USE ONLY

ACTION	DATE
Received	
Approved	
Disapproved	

MISSOURI STATE DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION
Special Education Section
P. O. Box 480
Jefferson City, Missouri 65101

APPLICATION FOR APPROVAL TO PROVIDE SPECIAL EDUCATION SERVICES BY CONTRACTUAL ARRANGEMENT

Legal Name of Educational Agency	County Code	District Code	Telephone
Address	City		Zip Code
Authorized Representative	Contact Person		Telephone

Mailing Instructions: Return one copy to the State Department of Elementary and Secondary Education, Division of Special Education. Retain one copy for your record.

Student's Name ______ Handicapping Condition ______

Name of Parent ______ Date of Birth ______ Age ______

Address ______ Date ______

This is to certify that the above named local district or special district proposes to provide special educational services for this child by contractual arrangement with an approved public or private organization other than a neighboring school district:

Proposed Service Organization ______

Has this organization received preliminary approval for contract eligibility? ______ YES

______ NO

Reasons for the need for contractual alternative services ______

______

______

______

______

______

______

______
Superintendent

Application for "Special Approval" of Teacher Aide

This form is to be completed by the local school district responsible for providing special education services and employing approved teacher aides for that purpose. A copy should be provided to the Director, Section of Special Education, State Department of Elementary and Secondary Education.

STATE USE ONLY

ACTION	DATE
Received	
Approved	
Disapproved	

Class Size ______________

Special Education Category ______________

SAMPLE

MISSOURI STATE DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION
Section of Special Education
Jefferson Building
P. O. Box 480
Jefferson City, Missouri 65101

APPLICATION FOR "SPECIAL APPROVAL" OF TEACHER AIDE

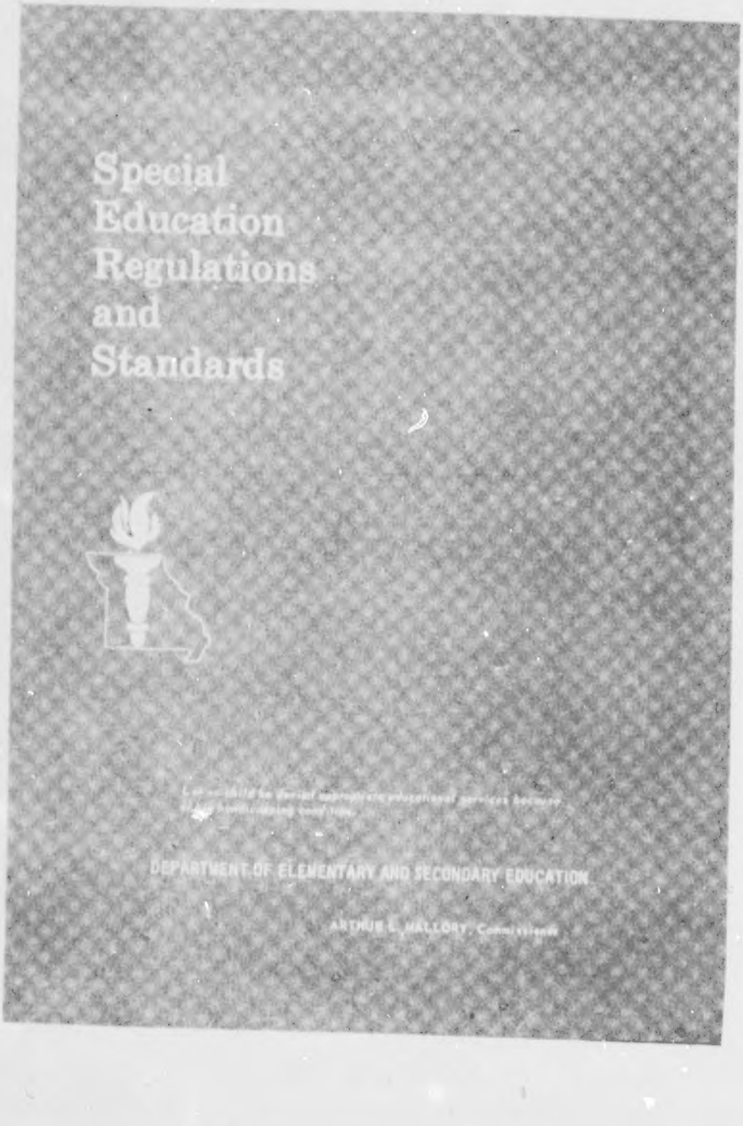
Legal Name of Educational Agency	County Code	District Code	Telephone
Address			Zip Code
Authorized Representative	Contact Person		Telephone

School districts requesting approval of an aide who does not meet the criteria as set forth in Chapter VI, Section C, may apply for special approval by supplying the following information:

A. Description of services to be rendered

B. Specific qualifying characteristics of teacher aide

C. Qualifying experience of teacher aide

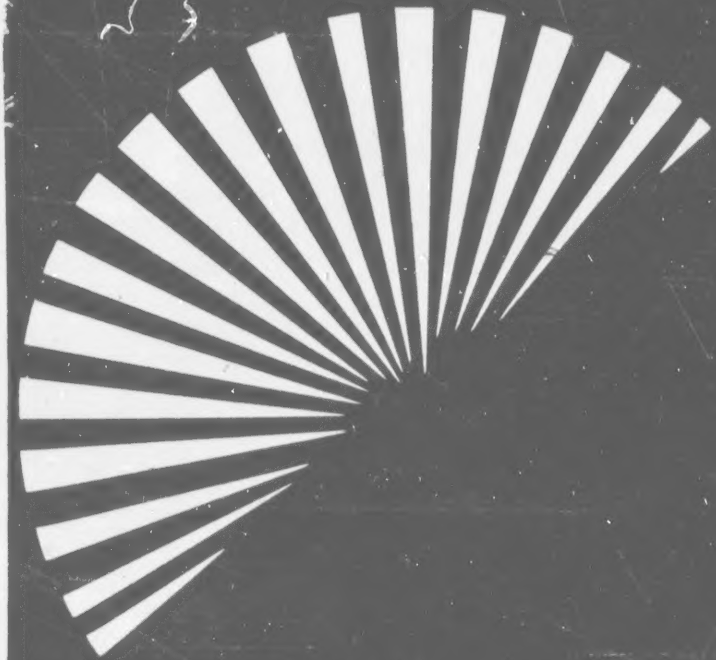


Special Education Regulations and Standards

Let no child be denied appropriate educational services because of a handicapping condition.

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

ARTHUR L. MALLORY, Commissioner



Adopted by the

CALIFORNIA STATE BOARD OF EDUCATION
January 10, 1974

2328

California State Board of Education

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1974

FOREWORD

The publication of this *California Master Plan for Special Education* is a significant milepost in the provision of educational services to California's exceptional children.

California has been a nationwide leader in providing educational programs for mentally and physically handicapped children since 1860, when the state's special school for the deaf and blind was established in Berkeley. In recent years, however, it has been recognized that there is need to improve the quantity and quality of the program offerings; thousands of handicapped children with special needs are on waiting lists and are eligible to participate, but they are not being served. Many more are in need of service but have not yet been screened.

The *California Master Plan for Special Education* is designed to provide a quality educational program to all of the state's mentally and physically handicapped children. The proposal was developed by the Department of Education in cooperation with over 2,000 teachers, administrators, parents, and students from throughout the state who worked cooperatively to identify the strengths and weaknesses of the existing special education system.

The development and adoption of this plan, however, like all of the programs developed for the schools of California, is a *means*, not an end. We, in education, must remain continually aware that the child–the student–is the end purpose of our efforts. The child must be regarded not as a passive recipient of the instructional resources we offer and the educational systems we administer, but as a unique individual whose curiosity and potential deserve the special attention of all of our combined adult energies.

The Master Plan seeks to equalize opportunities for *all* children in need of special education service. Instead of labeling children by categories, the Master Plan proposes a single designation, "individuals with exceptional needs," for all children receiving special services. This change will correct two longstanding problems: (1) stigmatization by label; and (2) rigid categorical programming and funding, which imply tnat children must be grouped by handicap rather than educational need.

The State Board of Education's adoption of this Master Plan represents both a conclusion and a commencement. It is the culmination of many months of planning and effort, and it is the commencement of a sweeping new direction of comprehensive planning for the educational needs of exceptional children that will extend to every county, every district, and every school of the state. With the focus of comprehensive planning on the needs of the individual exceptional child, the Master Plan thus becomes a proper and useful framework for serving the child in need of special education services.

Wilson Riles

Superintendent of Public Instruction

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Introduction to the Master Plan

The *California Master Plan for Special Education* is based on the principle that education is for all children, regardless of differences in abilities. Special education is based on the principle that no child shall be denied educational opportunity commensurate with his ability. Consequently, state and local governmental units have a responsibility to extend educational opportunities to all individuals with exceptional needs so that these individuals may realize the full potential of their abilities. These services must be extended to all groups of exceptional individuals–not only to those for whom even the smallest degree of development and independence can be considered success but also to those with outstanding ability who are capable of the highest levels of achievement.

Clearly, there is much to gain from effective and comprehensive programs in special education. If an adequate program is provided to handicapped children at an early age, it is possible to reduce significantly the full impact of their disabilities and, consequently, to increase their potential for independence. Likewise, early investments in the lives of the mentally gifted can result in future economic and social benefits for all Californians. For many years educational services for gifted students have been provided through special education. In the future the gifted program will be addressed separately.

Special Education — A Definition

> Special education is a set of educational programs and/or services designed to meet the particular needs of exceptional individuals.

Special education includes both direct and indirect services to individuals with exceptional needs, as well as to their teachers and parents. Direct services may either supplement a pupil's regular program, such as individual or small group tutoring, or provide an alternate program, such as a full-time special class. Special education of an indirect nature consists of services, such as special consultation, provided to the teacher and parents of these students. Such services could also include special alterations in facilities, equipment, and learning materials. Whether special education offers direct or indirect services, its goal is always to provide the exceptional individual with a program that meets his needs. Special education services attempt to provide individually tailored programs which are designed not only to lessen or eliminate those effects which handicap some exceptional individuals but also to provide the best learning environment for each student. The variety and types of experiences planned for these pupils will vary greatly, depending on the particular pupil.

Special Education—Interaction with General Education

Special education must be considered in the context of the public educational system as a vital resource which, along with services such as compensatory education, vocational education, and remedial reading instruction, enables the educational system to meet the special needs of individuals with a wide range of learning abilities.

Many exceptional individuals are expected to be progressively included in the general school program, but special education is designed to provide for a smooth transition for students as they are prepared for the complexities of the regular classroom. If these transitions are to work, special education personnel must consult with and train regular teachers to equip them for dealing with those exceptional individuals who can be integrated into regular programs. Mildly handicapped students will generally be better served through modifying the regular program instead of creating additional special education categories.

Special education, however, may need to provide alternative services or supplements to the general school program for some exceptional individuals throughout their school careers. These students may require highly structured, intensive services that are not clearly related to "traditional" schools.

Special Education—California's Programs

While special education in California has traditionally provided for the needs of many children (434,000 in 1972-73), there have been instances of no service at all to some children and less than marginal programs for others. Changing concepts in the education of exceptional children create a need for new approaches to meet the special requirements of these individuals with exceptional needs.

California law, unfortunately, does not consistently guarantee the right of appropriate treatment to all exceptional individuals.

Although special education programs for some handicapped students are mandatory upon school districts and offices of county superintendents of schools, the Legislature has given only permissive authority for programs for other types of exceptional children. Therefore, school districts may, but are not required to, offer different programs for the educationally handicapped and those eligible for the Development Centers for the Handicapped. It appears that while California citizens have unconditionally accepted the right of each so-called average child to a free public education, they have not extended this right to individuals with exceptional needs.

Because of this lack of mandatory provisions, certain major problems remain unsolved. For example, some school districts have numerous individuals who have been evaluated and found to be eligible for the Development Centers for the Handicapped. While these individuals are ready for placement, no placement opportunities are available. Annually, California school districts report that their waiting lists include several thousand handicapped individuals requiring appropriate services. In addition, loopholes and exclusion clauses currently exist in California laws, regulations, and policies which exclude individuals with particular exceptional needs from schools because they supposedly are incapable of profiting from education.

Special Education—New Directions

> If state law is to be consistent with the philosophy of special education, legislation must be developed which will change the status of all permissive programs[1] affecting children between the ages of three and twenty-one to mandatory obligations. Services to preschool-age children (ages three through five) and post-school-age individuals (ages eighteen through twenty-one) should be provided for the more seriously handicapped. Parents, however, will be required only to send their children to school in conformance with the legal compulsory school ages (ages six through sixteen). Where legislation authorizes, school districts and offices of county superintendents of schools may establish experimental programs for children below age three when there is a demonstrated need for intensive services and a sufficient number of identified children.
>
> The State Department of Education should prepare and distribute an annual report which will identify and evaluate the changing needs of exceptional individuals.

---

[1] Permissive programs are those programs and services which schools may provide but are not required to provide.

The need for changes in the law surrounding special education has obviously been recognized by the courts and state legislative bodies. Recent court decisions and legislative actions appear to be setting the direction for the future of special education. This direction seems to focus on two important thrusts, both stressing "equal educational opportunity" for the handicapped.

The first of these directions stems from the October, 1971, landmark case, *Pennsylvania Association for Retarded Children* v. *Commonwealth of Pennsylvania.*[2] One stipulation in the agreement made mandatory rather than permissive a program of free public education for every retarded child no later than September 1, 1972. In addition, the state, with the help of local school districts, was given 90 days to identify every retarded child not receiving education and training at that time.

The second apparent trend in future special education court decisions is typified by the *Diana* v. *State Board of Education* case[3] which, unlike the Pennsylvania court decision, did not deal with the issue of exclusion from schooling. Rather, its aim was to keep exceptional individuals from being misplaced in inappropriate programs. The focus was on the issues of identification, classification, and placement standards and procedures. This litigation precipitated new state legislation which required careful attention to these problems.

The Pennsylvania decision and pending California cases have served as the foundation for numerous court actions. All of these cases indicate that California and its schools, from a judicial point of view, will probably need to plan to provide differentiated free public school programs for the severely and profoundly handicapped individuals who are at least of school age.

The early education of exceptional children should be mandated and extended downward to whatever point such education for children and/or their parents can result in significant gains or to a point where it can be shown to prevent more serious disabilities later. These programs must also extend beyond the usual school-ending age for those pupils who need additional time to become competent and productive. At the same time these programs for differentiated education must be organized to minimize the chance of inappropriate placement and unnecessary segregation.

If state law is to be consistent with this philosophy and with recent court decisions, legislation must be developed which will change from permissive to mandatory the status of programs for the educationally handicapped as well as the severely handicapped eligible for Development Centers for the Handicapped. The law already requires programs for two categories of the mentally retarded and several categories of the physically handicapped.

---

[2] 334 F. Supp. 1257.

[3] *Diana et al.* v. *State Board of Education et al.*, Case No. C-7037RFP. United States District Court, Northern District of California.

Legislative authority to conduct early and extended school programs for some types of exceptional individuals has been in effect for some time. Many exceptional individuals, as defined on page 3, are currently enrolled in such programs. However, if schools are required to enroll individuals with exceptional needs in early education and extended school programs under a planned system, the Department of Education must gather and analyze data to identify and evaluate the changing needs of exceptional individuals. These data should be gathered annually and presented in a report to the State Board of Education. More specifically, the report should summarize the information from the operating units, including achievements and recommendations for resource increments and/or legislation to add exceptional individuals to programs as they are identified.

Special Education—Current Problems

The *California Master Plan for Special Education* is designed to correct the following six weaknesses in California's special education system:

1. There is a need for a clearer delineation of responsibility at the state, county, and local levels for the provision of special education.

Since its inception 112 years ago, special education has grown to include programming services for five major classifications of individuals with exceptional needs. The classifications are (1) physically handicapped; (2) mentally retarded; (3) educationally handicapped; (4) developmentally disabled children enrolled in Development Centers for the Handicapped; and (5) mentally gifted. It is now felt that the needs of the gifted and the needs of the handicapped can best be met by separating the program for mentally gifted children from programs for the handicapped.

Each of these programs—and numerous subcategories within them—was developed at different times and for essentially different reasons in response to the needs and demands of various groups of people. In addition to county and locally operated special education programs and services, three types of special schools are administered by the Superintendent of Public Instruction. The purpose of these schools is to provide an education for blind, deaf, multihandicapped, and neurologically handicapped persons who require services that cannot be provided in their local communities.

In spite of the large number of local special education programs and the work of the state special schools, the coordination of these efforts should be improved. To meet this need, the responsibilities at all levels of program operation must be more clearly delineated.

2. There is a need to recognize participants in special education programs as "individuals with exceptional needs."

The current system classifies exceptional individuals into categories such as trainable mentally retarded, educable mentally retarded, hard of hearing, and orthopedically handicapped. Through the use of such categories, individuals with exceptional needs have been brought to the attention of the Legislature, the State Board of Education, and school personnel. Current eligibility standards for these categories require a study of the needs of exceptional individuals and direct that such individuals' education be provided in specific categorical settings and under teachers trained in the specific categories. Through this labeling process, it was hoped that the needs of exceptional individuals could be more adequately met.

3. There is a need for program components which promote the most effective special education program for exceptional individuals.

California has created special education programs which have variety and breadth. The early legislation gave considerable flexibility to develop appropriate educational approaches. At least 28 different special education programs are currently available to exceptional individuals.

The current system has been constructed by an additive process and has not undergone adequate changes as programs have been refined. Therefore, the current system does not deal adequately with diversity in incidence, total numbers of individuals with exceptional needs, problems of small districts, program flexibility to meet local needs, and funding requirements. In addition, this system does not always permit logical data collection and reporting.

The step-by-step categorical growth of programs has resulted in a confusing lack of uniformity of terminologies among categories. Pupil placement is often dictated by the availability of programs rather than by pupil needs. Yet, in some cases, programs are so narrowly defined in terms of eligibility that .large numbers of exceptional individuals are denied entrance or are forced into programs which are not designed to meet their needs. In other cases, programs are meager in scope or nonexistent.

In many instances coordination between special and regular instruction is often lacking. Programs are not sufficiently flexible to utilize many of the new curriculum approaches which have been developed. In addition, special class programs or services offered by school districts, offices of county superintendents of schools, or state and private schools are inadequately coordinated with each other and with other state agencies. Because of these problems, it is imperative that the current program components be reorganized.

4. There is a need for a system to collect information and properly evaluate special education programs.

It has long been recognized by the State Board of Education and the State Department of Education that evaluation is an essential ingredient in the management of educational programs. Program managers need the assistance of a comprehensive program analysis to design and implement effective educational offerings. In addition, continuous feedback on the operation of these programs to the State Board of Education, the Commission on Special Education, the Legislature, and the Governor is necessary.

Although the Department of Education is currently developing a system for the statewide collection and evaluation of information concerning all educational programs, including the provision of technical assistance to educational administrators, there remains a need to expand the system to include the goals of this Master Plan.

5. There is a need for an equitable system of financial support to special education which will promote improved programs and fiscal accountability.

An obvious flaw in the financial system is the diverse funding patterns supporting the various special education categories. For example, state allowances to districts vary significantly among categories, affecting the development of programs and placement procedures. While supposedly based on cost differences, in reality the allowances do not fund all programs in an equitable manner. Local revenues related to the categories also vary greatly among programs and districts. The cumulative effect of these differences in financial support undoubtedly is that some exceptional individuals are receiving an inferior education.

The development and growth of California's special education programs and services have generally resulted from regular school fiscal support decisions. Trailing in the wake of the larger, more broadly based school finance issues, special education financial support has often been inadequate to provide the necessary range and quality of programs. The absence of a systematic plan which integrates special education into a statewide school finance plan has caused serious inequities in the use of available funds. The current method of supporting special education programs and services varies according to the types and numbers of individuals with exceptional needs and the options used to provide the program. In addition, the current financing methods have resulted in fiscal audit and control procedures which are difficult to utilize for program evaluation and development. Thus, the current form of special education financing does not ensure quality control in all programs.

Briefly, the present financing structure is based on formulas that relate presently recognized categories of exceptional individuals with the type of program being offered. State support is generally computed on a specific amount per unit of average daily attendance (a.d.a.), and current law provides a "total support guarantee" for each type of special education category.

6. ***There is a need for a more coordinated effort to recruit, train, and provide inservice educational opportunities to teachers, administrators, supervisors, consultants, and other special education personnel.***

In 1972-73, teacher training programs in institutions of higher education in California were well staffed with highly qualified faculty members offering preservice professional preparation for most special education programs. Some 60 institutions of higher learning, many using exemplary teacher education practices, are accredited to prepare special education teachers. However, at the same time, few California institutions of higher education have a complete program for personnel working with the gifted. School systems have relied mainly on locally subsidized, part-time inservice programs for training these personnel.

At the local level, educational agencies are operating special education inservice programs to ensure professional growth for their personnel. However, these programs vary widely in design, scope, and implementation. While, at the state level, both the Department of Education and the Commission for Teacher Preparation and Licensing are concerned with manpower planning and development, more comprehensive planning and coordination of the various agencies responsible for special education will be necesary to ensure that all programs are staffed with competently trained personnel.

CHAPTER 1

Philosophy and Goals

Public education in California must seek out individuals with exceptional needs and provide them an education appropriate to their needs.

Public education must work cooperatively with other public and private agencies to assure appropriate education for individuals with exceptional needs from the time of their identification.

Public education must offer special assistance to exceptional individuals in a setting which promotes maximum interaction with the general school population and which is appropriate to the needs of both.

The goals of education generally support the principle of providing every child with the opportunity to develop his full potential and to use his abilities in a way which will bring him fulfillment and happiness. For children with special learning needs, differentiated learning programs are required.

It must be the ideal of our society that no child be denied access to a free, public supported education. There must be no dividing lines which exclude some individuals from educational programs—no lines which automatically set some children apart from others. At the same time it must be understood that each regular school cannot reasonably be expected to provide all services to all exceptional individuals. Some students with severe and profound handicaps may need to be taught in relatively separate schools and facilities. Furthermore, it is extremely important that the public schools accept the responsibility for developing close working relationships with each other, the family, and other service agencies to provide the greatest possible opportunity for enhancing the growth and development potentials of exceptional individuals.

To meet these responsibilities, the resources of education must be coordinated with those of other agencies responsible for services, such as residential living, health services, and psychological services. Accordingly, the state and individual school districts should know who the exceptional individuals are, what they need, and where the resources to meet these needs can be found.

Goals of Special Education

The major goals of special education are similar to those of general education. These goals are:

1. *Communication skills*—to assist pupils in acquiring and using, to the extent of their capacity, the basic communication skills which will benefit the individual and society.
2. *Information*—to assist pupils in learning how to obtain and use information.
3. *Physical development*—to assist pupils in developing physically to the extent of their abilities.
4. *Personal values*—to assist pupils in reaching and maintaining their mental and emotional potential and to establish acceptable moral and ethical standards.
5. *Occupational preparation*—to assist pupils in preparing for careers, ranging from working at home to full-time employment.
6. *Problem solving*—to assist pupils in solving problems inherent in living in a complex and changing world.
7. *Social values*—to assist the total educational community in accepting the responsibility for preparing itself for maximum acceptance of children with a wider range of individual differences than may have been present during the past few years. The result will be that normal pupils will have greater understanding for individual differences, and all persons will be better prepared to live in a world of infinite variety.
8. *Development of intellectual potential*—to assist and promote the intellectual development of all exceptional individuals.

The most important goal of special education is:

9. *Reduction of the impact of disabilities*—to provide individually tailored programs which reduce or eliminate the handicapping effects of various disabilities on some exceptional children. Individuals must be educated, however, in terms of their learning abilities, not their disabilities.

Guidelines for Implementing Philosophy and Goals

If the philosophy and goals of special education as outlined in this Master Plan are to be implemented, the following steps should be taken:

1. *Provide programs.* Legislation is necessary to require school boards to provide educational programs and services to all individuals with exceptional needs.
2. *Meet standards established by the State Board of Education.* Severely handicapped individuals in state hospital programs and

those in other out-of-public school settings should be provided an education which meets the standards established for the public schools.

3. *Allocate resources.* Public schools must be responsible for coordinating their own resources and, within their capabilities, the resources of all available agencies and organizations, public and private, to assure an education to all exceptional individuals.
4. *Create regular school environment.* Special education should try to create an environment which is as near the regular school environment as possible. It should also try to facilitate the continuation or return of exceptional individuals to the regular school program, whenever possible, and in the shortest possible time.
5. *Encourage and assist preservice and inservice training.* Regular teachers and administrators should be encouraged and assisted through preservice and inservice training to become increasingly more responsible for educating exceptional individuals, thus decreasing reliance upon separate special education services.
6. *Maintain special state schools.* The state should maintain comprehensive education programs and special assessment services of state special schools to serve those handicapped children whose needs cannot be adequately met by local educational agencies.

CHAPTER 2

Responsibilities for Special Education

There is a need in California to delineate clearly the responsibilities of various educational agencies for providing special education and ensuring full accountability.

If these responsibilities are to be met, educational agencies must prepare a comprehensive plan providing for programs and services for individuals with exceptional needs. Such plans should be prepared by (1) a school district which provides a comprehensive program of special education services; (2) a combination of school districts with their office of the county superintendent of schools; or (3) a combination of contiguous districts or contiguous counties.

Objectives for Establishing Responsibility

The objectives of this Master Plan in terms of establishing levels of responsibility by educational agencies for special education in California are twofold:

1. Within statutes and regulations, a clear assignment of responsibility and authority among the various educational agencies in the public sector must be made and implemented. This delineation will eliminate duplication of authority and specify responsibility for all aspects of necessary educational services for exceptional individuals.
2. Accountability, in terms of pupil progress and cost effectiveness of program operation, must be ensured.

General Responsibilities of the State Board of Education

The general responsibilities of the California State Board of Education in carrying out the intent of this Master Plan for Special Education are as follows:

1. Adopt the *California Master Plan for Special Education*, propose legislation, and review progress toward implementation.

2. Adopt regulations, guidelines, policies, and program standards for special education.
3. Review and approve program evaluation procedures and criteria to be used in all special education programs.
4. Review evaluation reports on special education.
5. Establish guidelines for the comprehensive plan.
6. Approve comprehensive plans, on the recommendation of the Superintendent of Public Instruction, for a period not to exceed three years.
7. Establish a hearing procedure for a parent or guardian who desires educational services which are not available to his or her child.

General Responsibilities of the Superintendent of Public Instruction

In order to meet the provisions of this Master Plan for Special Education, the Superintendent of Public Instruction has the following responsibilities:

1. Provide consultative and administrative services in each area of the program classification system to ensure full implementation of the Master Plan.
2. Operate the state schools for the blind and deaf and the state diagnostic schools.
3. Develop and disseminate program evaluation procedures and criteria to be used in all special education programs.
4. Convene initial countywide meetings to disseminate information on development of a comprehensive plan. These meetings should include special education representatives from the office of the county superintendent of schools, from each school district in the county and its governing board, and the county school board.
5. Act as an arbitrator if districts and counties fail to agree on aspects of the comprehensive plan or plans.

   In the event of failure of a school district or county superintendent of schools to submit a comprehensive plan as required, the Superintendent of Public Instruction should act to bring about the submission of such a plan. The actions to be taken, in the order of their occurrence and severity, should be:

   a. Sending a problem-solving team to the agency to assist in the comprehensive plan development or to develop the plan itself

   b. Initiating legal action to require the agency to develop and submit the plan

6. Recommend approval of comprehensive plans to the State Board of Education.
7. Allocate special education funds in accordance with the approved comprehensive plans.
8. Consult with offices of county superintendents of schools and with school districts to assist in improving programs at the local level.
9. Establish an annual review process for contractual arrangements made by school districts and offices of county superintendents of schools.
10. Review program evaluation of all programs operated by the school districts, offices of county superintendents of schools, and the state schools.
11. Enforce all statutes, regulations, and policies for special education.
12. Ensure the implementation of the comprehensive plan, in accordance with requirements of the Education Code and California Administrative Code, Title 5, Education. To fulfill this responsibility, the Department should authorize on-site audits and provide general supervision and consultation to offices of county superintendents of schools and to districts. The Superintendent of Public Instruction should take the same actions listed in item number 5 of the preceding section (page 13) in the event that a school district or county superintendent of schools fails to provide a special education program, as specified in its approved comprehensive plan.
13. Develop written agreements with other state agencies to provide services to individuals with exceptional needs. Such agreements should specify the roles, responsibilities, and services of each agency.
14. Monitor comprehensive plans and provide assistance in program development and evaluation.
15. Develop a hearing procedure for a parent or guardian who desires educational services for a child which are not available to that child.

What Is a Comprehensive Plan?

A comprehensive plan describes the program which will be provided by schools to meet the educational needs of eligible exceptional individuals living within the geographic boundaries covered by the plan. Every comprehensive plan must meet the criteria outlined in the following section. The local agency submits the plan through the office of the county superintendent of schools to the Superintendent of Public Instruction. Upon recommendation of the Superintendent and approval by the State Board of Education, the plan becomes the document for coordinating and evaluating the special education activities described within the plan.

Criteria for a Comprehensive Plan

A comprehensive plan must meet the following criteria:

1. Provide for accommodating the full range of exceptional conditions for all eligible individuals. Even if all exceptional conditions do not exist within the area covered by the comprehensive plan, the plan should indicate how such individuals would be served should they be identified.
2. Provide for the differential grouping of the pupil in a class or group according to the specific needs of the pupil.
3. Provide for the full range of program and service components as specified in the Master Plan for Special Education.
4. Provide programs and services which meet standards established by the State Board of Education.
5. Include an appropriately trained administrator and sufficient additional staff to administer and supervise the plan and to consult in implementing it.
6. Provide for career and vocational education and for work experience and work study for those pupils who would benefit from them.
7. Provide the educational, psychological, medical, and pupil personnel services necessary for pupil assessment, instructional planning, evaluation, and consultation. The plan should specify an adequate level of support services for performing such functions as diagnosis, assessment, and evaluation.
8. Include explicit, valid, and feasible procedures for planning and evaluation.
9. Evaluate program effectiveness periodically through objective measures of pupil progress.
10. Describe explicitly how other agencies which provide services to exceptional individuals should provide those services to individuals in the schools.
11. Provide for curriculum development, inservice education, consultation, and supervision for the staff.
12. Provide for the possible inclusion of special contractual arrangements whereby one administering agency (a) releases

an individual with exceptional needs to attend programs operated by another agency outside the boundaries of the first agency; or (b) provides services for an individual with exceptional needs from outside its jurisdictional boundaries when the welfare of that individual can best be served by such contractual arrangements. Contractual arrangements should have prior approval following a process established by the Superintendent of Public Instruction and should be reviewed annually. Contractual arrangements must also provide for periodic reassessment of the appropriateness of placement according to changes in the individual's current functioning.

13. Provide for each school district and county school board's approval of its participation in the comprehensive plan and its responsibilities for the plan's full implementation.
14. Provide for an advisory committee to advise the specified administrative authority. In order to give the broadest representation, the committee should be composed of members from public and private agencies, parents, and other persons concerned with the need of exceptional individuals.
15. Provide for explicit due process procedures and parental appeals for *all* pupils to ensure equality of access to special education programs, to prevent excessive referral and inappropriate placement, and to ensure equality of egress from special education programs.

What Are the Options for Developing a Comprehensive Plan?

Educational agencies have three options in developing a comprehensive plan to provide educational services to exceptional individuals. Offices of county superintendents of schools and all school districts in a given geographical region should cooperate in the planning of programs and services to exceptional individuals as defined in the Master Plan for Special Education. These programs and services may be described in a comprehensive plan for special education using one of the following three options:

1. Any school district may develop its *own comprehensive plan.*
2. A combination of school districts may join with the office of the county superintendent of schools to develop a *joint comprehensive plan.*
3. Contiguous districts may join together to develop a *joint comprehensive plan.* When developed in this manner, the office

of the county superintendent of schools must participate in the planning process to identify problems and needs which relate to the larger geographical area and to ensure that all individuals with exceptional needs are appropriately served. Contiguous counties may also develop a comprehensive plan.

In addition, if any school district wants to develop its own comprehensive plan at a later time, it may submit a declaration of its intent to the office of the county superintendent of schools. The county superintendent's office must then confer with the district to aid in developing the plan. Once developed, the comprehensive plan should then be submitted to the office of the county superintendent of schools. The county superintendent's office should review the plan for compatibility with other comprehensive plans in the county to see that all exceptional individuals are served. If necessary, the county superintendent may also make recommendations to the district and to the State Department of Education suggesting changes in the comprehensive plan.

It is not feasible or practical for all local educational agencies, or combinations of them, to provide comprehensive educational programs and services for all deaf or blind children or the specialized diagnostic services for neurologically handicapped children. Therefore, the State Department of Education should provide such services directly through the state public residential schools.

Specific Responsibilities for a Single District Plan

District Responsibilities for a Single District Plan

The following are the specific responsibilities of a school district when it develops its own comprehensive plan for providing services for individuals with exceptional needs:

1. Confer with the school district governing board and submit to the office of the county superintendent of schools a declaration of intent to develop and implement a comprehensive plan.
2. Develop a comprehensive plan.
3. Provide a qualified administrator of special education and such additional administrative, supervisory, and consultative personnel as required to fulfill the district's designated responsibilities for special education. The administrator of special education should ensure that each exceptional individual within the district receives adequate special education service.

4. Ensure that the school district governing board endorses and approves the comprehensive plan and assumes responsibility for its full implementation.
5. Involve local units of other agencies providing services to exceptional individuals in planning for and delivering needed services.
6. Cooperate with the office of the county superintendent of schools to ensure that the comprehensive plan is compatible with other comprehensive plans in the county.
7. Submit the comprehensive plan to the office of the county superintendent of schools for review and consider recommendations made by the county for the plan.
8. Coordinate and provide inservice training for special education personnel.
9. Consider the appeal of a parent or guardian who disapproves of the placement or services offered his or her exceptional child. Within 30 days of receiving the appeal, the placement or services offered to the exceptional child should be changed or the appeal denied. If the appeal is denied, the district should refer the appeal to the next level of review, generally the office of the county superintendent of schools.

County Superintendent's Responsibilities for a Single District Plan

The following are the specific responsibilities of the office of the county superintendent of schools when a district within the superintendent's jurisdiction develops its own comprehensive plan for special education:

1. Submit to the State Department of Education a description of how the districts within the county intend to develop comprehensive plans. Also include any recommendations for any modification of district intentions.
2. Review the district's comprehensive plan for compatibility with other comprehensive plans in the county.
3. Determine that all exceptional individuals within the county are served effectively and efficiently.
4. Recommend changes, if indicated, to the district and the State Department of Education for improving the comprehensive plan submitted by the district.
5. Submit the district's comprehensive plan to the Superintendent of Public Instruction.
6. Monitor the district's implementation of the comprehensive plan, as approved by the State Board of Education. The results

of such monitoring should be reported to both the district and the Superintendent of Public Instruction.

7. Either affirm a district's denial of appeal by a parent or guardian for a change in the placement or services offered to his or her exceptional child, or direct the district to change the placement or services offered to the exceptional child.

   The decision should occur within 30 days of receiving the appeal from the district. When the office of the county superintendent of schools agrees that the appeal should be denied, it should notify the parent or guardian of this decision and refer the appeal to the county board of education. The county board of education should hear the appeal as presented in writing, and by oral presentation of the parent or guardian or his representative. The decision of the county board of education should be made within 30 days of receiving the appeal from the office of the county superintendent of schools.

Responsibilities of the Superintendent of Public Instruction for a Single District Plan

The following are the responsibilities of the Superintendent of Public Instruction when a school district develops its own comprehensive plan for special education:

1. Grant preliminary approval of the organization of comprehensive plans within each county.
2. Monitor comprehensive plans, enforce rules and regulations, and provide assistance in program development and evaluation.
3. Consider recommended improvements for the comprehensive plan made by the office of the county superintendent of schools in determining whether the plan should be approved.
4. Allocate the funds to the office of the county superintendent of schools or to the operating district according to the state formula.
5. Affirm or deny the decision of the county board of education if a parent appeals.

Specific Responsibilities for Developing a Joint District or County Comprehensive Plan

District Responsibilities for a Joint District and/or County Plan

The following are the specific responsibilities of a school district when it joins with other school districts and/or the office of the county superintendent of schools in developing a comprehensive plan for special education:

1. Confer with the school district governing board and submit to the office of the county superintendent of schools a declaration of intent which will specify the option under which the district will develop and implement a comprehensive plan (see page 16).
2. Participate in the development of the joint comprehensive plan to ensure that every exceptional individual residing within its geographic boundaries has access to an instructional program designed to meet the needs of that individual.
3. Ensure that the district governing board endorses and approves the comprehensive plan and assumes responsibility for the full implementation of the district's portion of the comprehensive plan.
4. Provide administrative and supervisory personnel necessary to implement the district's portion of the comprehensive plan.
5. Include exceptional individuals residing outside the district's own boundaries in the operation of instructional programs if specified in the comprehensive plan.
6. Consider the appeal of a parent or guardian who disapproves of the placement or services offered his or her exceptional child. Within 30 days of receiving the appeal, the placement or services offered to the exceptional child should be changed or the appeal should be denied. If the appeal is denied, the district should refer the appeal to the office of the county superintendent of schools.
7. Designate a responsible agent for the comprehensive plan.

County Superintendent's Responsibilities for a Joint District and/or County Plan

The following are the specific responsibilities of the office of the county superintendent of schools in the development of a joint district and/or county comprehensive plan:

1. Submit to the State Department of Education a description of how the districts within the county intend to develop a comprehensive plan. Also include any recommendations for modification of district intentions.
2. Perform the same functions in a contiguous district plan as described for a single district plan (see page 17).
3. Lead the joint district-county planning effort.
4. Ensure that local units of other agencies providing services to exceptional individuals are involved in planning for and delivery of needed services.
5. Provide a qualified administrator of special education and such additional administrative, supervisory, and consultative

personnel as required to fulfill the office of the county superintendent of schools' responsibilities for special education. This administrator should act to ensure that each exceptional individual within the jurisdiction of the joint plan receives adequate special education services.

6. Operate programs when needed.
7. Review the joint comprehensive plan for compatibility with other comprehensive plans in the county.
8. Ensure that the county board of education approves the joint district-county comprehensive plan and advise the board of its responsibility to fully implement the plan.
9. Submit the joint comprehensive plan to the Superintendent of Public Instruction.
10. Coordinate and provide inservice training for special education personnel as required.
11. Monitor the districts' implementation of their portions of the comprehensive plan. The results of such monitoring should be reported both to the districts and the State Department of Education.
12. Disburse state funds to the districts participating in a joint district and/or county plan according to the state formula and on the basis of the programs conducted and services rendered.
13. Either affirm a district's denial of an appeal by a parent or guardian for a change in the placement or services offered to his or her exceptional child, or direct the district to change the placement or services offered to the exceptional child.

    The decision should occur within 30 days of receiving the appeal from the district. When the office of the county superintendent of schools agrees that the appeal should be denied, it should notify the parent or guardian of this decision, and refer the appeal to the county board of education. The county board of education should hear the appeal as presented in writing and by oral presentation of the parent or guardian or his representative. The decision of the county board of education should be made within 30 days of receiving the appeal from the office of the county superintendent of schools.

Responsibilities of the Superintendent of Public Instruction for a Joint District and/or County Plan

The following are the responsibilities of the Superintendent of Public Instruction when a joint district and/or county plan is developed:

1. Grant preliminary approval of the organization of comprehensive plans within each county.
2. Monitor comprehensive plans, enforce rules and regulations, and provide assistance in program development and evaluation.
3. Arbitrate disagreements between the office of the county superintendent of schools and districts concerning the development and implementation of comprehensive plans.
4. Allocate the funds to the office of the county superintendent of schools or to the operating county or district according to state formula.
5. Affirm or deny the decision of the county board of education if a parent appeals.

CHAPTER 3

Classification System

For legal purposes, pupils with special education needs should be designated as "individuals with exceptional needs." This designation should include only those pupils whose educational needs cannot be met by the regular classroom teacher with modifications of the regular school program and who will benefit from special instruction and/or services.

The term "individuals with exceptional needs" should have four subclassifications, which should be used *only* for data collection and reporting purposes. The subclassifications are:

1. Communicatively handicapped[1]
2. Physically handicapped
3. Learning handicapped[1]
4. Severely handicapped

Objectives for Establishing a Classification System

The objectives for a new classification system are threefold. The system should (1) relate pupils to educationally relevant groupings; (2) relate pupils to appropriate programs and services; and (3) be simple and efficient—yet sufficient for data analysis, program administration, and public support.

A Classification System for Data Collection Purposes

The existing categories should be grouped under the four new program subclassifications as follows:

1. Programs for the communicatively handicapped
    - Deaf
    - Deaf-blind
    - Severely hard of hearing
    - Severely language handicapped (including aphasic)
    - Language and speech

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[1] Excluded from these subclassifications are children whose needs derive solely or primarily from unfamiliarity with the English language or from cultural differences.

2. Programs for the physically handicapped
    - Blind
    - Partially seeing
    - Orthopedically handicapped
    - Other health impaired minors (including drug dependent and pregnant minors)
3. Programs for the learning handicapped
    - Learning disabilities
    - Behavior disorders
    - Educationally retarded (EMR)
4. Programs for the severely handicapped
    - Developmentally handicapped
    - Trainable mentally retarded
    - Autistic
    - Seriously emotionally disturbed

The suggested subclassification system regroups the current categories into four areas in order to maintain a structure for data collection purposes. Through the classification of *programs*, pupil enrollments can be reported on the basis of program rather than by a label attached to the pupil. While it is possible that the label could be attached to the pupil, the legal provisions proposed for implementing the Master Plan do not dictate this process, as under present law. A specific classification may be needed for reporting requirements of the U.S. Office of Education.

CHAPTER 4

Program Components

The present program components of special education, which are based on specific types of disabilities, should be reorganized into eight components applicable to all exceptional individuals.

In order to meet the needs of exceptional individuals, all eight noncategorical components must be included in every comprehensive plan.

Objectives for Program Components

The following are the nine objectives for the new program components:

1. Make appropriate services available to every individual with exceptional needs.
2. Provide the flexibility to meet the unique needs of geographical, regional, and local district-county organization and enrollment.
3. Provide for the coordination and articulation between regular and special programs.
4. Encourage coordination and continuity of services between public school programs and services of all other public and private agencies.
5. Eliminate or reduce the negative effects of labeling a pupil who needs specialized services.
6. Coordinate pertinent information from all sources, including a comprehensive educational, psychological, sociological, and health evaluation in order to evaluate properly the individual with exceptional needs.
7. Develop teacher-specialist-pupil ratios from the perspectives of the total instructional program and efficient classroom management.
8. Facilitate accounting and management procedures.
9. Include the parent or guardian in program planning, placement, and review.

The Eight New Program Components

The eight new program components are divided into two basic categories—supportive and instructional.

Supportive:

1. Identification, Assessment, and Instructional Planning
2. Management and Support Services
3. Special Transportation Services
4. Capital Outlay

Instructional:

5. Special Classes and Centers
6. Resource Specialist Program
7. Designated Instruction and Services
8. Nonpublic School Services

The separation of supportive services from instructional programs assists in identifying these specific services, permits instructional funding to be restricted to instructional expenditures, and allows closer accountability under California's school accounting system.

The major addition in the reorganization of the program components is the establishment of the resource specialist program. This component will serve as a noncategorical resource for exceptional individuals in nearly every school in California. Special and regular education for exceptional individuals should be coordinated through services provided by, or in conjunction with, a resource specialist.

The guidelines for the development of the eight program components which should be included in every comprehensive plan are as follows:

- **Identification, Assessment, and Instructional Planning**

  1. Procedures for the identification, assessment, and instructional planning for all individuals with exceptional needs should be developed. The identification, assessment, and instructional planning and follow-through for preschool children and other children (according to the recommendations on page 3), including those not currently enrolled in school programs, should be an integral part of such procedures. These procedures should also include an educational assessment of the pupils' development in cognitive, affective, and sensory motor functioning.
  2. Systematic procedures should be developed for referral of exceptional students by teachers, parents, agencies, and appropriate professionals.

3. Procedures and criteria for identifying individuals with exceptional needs should be developed by the Department of Education in cooperation with appropriate parent and professional organizations and should be approved by the State Board of Education.
4. At least two levels of identification, assessment, and instructional planning should be included:
   a. *School Appraisal Team.* The team should consist of the school administrator, resource specialist, designated instruction teachers and specialists, regular teachers, and the appropriate program specialist. The participation of other persons, such as the school psychologist, social worker, nurse, and counselor, should be requested as needed. The school psychologist assigned to the school should provide ongoing consultation and inservice training necessary to the school appraisal team. The team's responsibilities should include reviewing referrals, conferring with parents regarding program recommendations, developing written instructional goals for each pupil provided instruction, and recommending service in the school through the resource specialist program and/or designated instruction and services. The team should refer to the Educational Assessment Service (the second level of the identification, assessment, and instructional planning process) those pupils who require a more definitive assessment as determined by a program specialist or teacher, those whose instructional plan has not been effective, or those whose parents or guardians have made a request. Finally, the team should review the progress of each pupil semiannually.
   b. *Educational Assessment Service.* Each service should consist of professional specialists representing health, psychology, social work, language services, management services, and diagnostic teaching. One member of this group should serve as coordinator of the service. This service should perform the following functions: (1) review referrals; (2) recommend program components; (3) recommend needed additional assessments; (4) confer with parents; and (5) develop written instructional goals for each pupil who either has been required to leave the school of residence or to attend special classes or centers or whose parent or program specialist is appealing a School Appraisal Team decision. In addition, the service may refer special cases to the state schools for further study if indicated. Pupils returning to the district or county from the state schools should have planning recommenda-

tions reviewed by the service. Recommendations for instructional planning and placement should also be made by a committee consisting of the person coordinating the assessment services, program specialists, and appropriate members of the service.

The comprehensive plan must describe how community resources can be coordinated with the services of the Educational Assessment Service. Finally, the service should annually reassess each pupil in terms of the procedures described in the Master Plan.

5. The parents or guardian of a child being considered in each committee or team should be informed of their right to present information to the committee or team in person, or by a representative, and to attend that part of the meeting devoted to recommendations and program planning. The parent must give written consent for any special services offered the child.
6. Each comprehensive plan should specify the organization, responsibilities, and number of program specialists to be provided. A program specialist is an individual serving in one of five program classifications. This individual should provide consultation, coordination, planning, curricular resources, and evaluation for the programs for exceptional individuals. He should participate in each school's inservice training, research development, and innovation of special methods and approaches. The comprehensive plan should describe how the program specialist is to carry out these functions.

- **Management and Support Services**

1. Management services should provide the noninstructional services essential to plan, maintain, and evaluate a total special education program. Management services include, but are not limited to:

   Administration
   Clerical services
   Program planning
   Research and data processing
   Program evaluation

2. Support services should provide for the operation and maintenance services essential to a total special education program. Support services may include, but are not limited to:

   Instructional materials and media services
   Interpreters and notetakers for the deaf

Purchase and maintenance of special equipment
Technical maintenance personnel
Teleclass phone charges
Instructional materials center participation
Preservice and inservice education

- **Special Transportation Services**

1. Special transportation services should provide necessary transportation for individuals with exceptional needs. Transportation services should include:

   Transportation in special vehicles to and from specialized services when required
   Transportation for pupils not attending school of residence
   Transportation to work stations and work-training programs
   Provision of room and board in lieu of transportation

- **Capital Outlay**

1. The capital outlay component should provide financial assistance on a continuous, equitable basis to school districts and offices of county superintendents of schools to enable public schools to provide adequate and safe facilities.
2. Financial assistance should be provided in inverse relation to the district's ability to share in the cost of the facilities.
3. Each participating district and county superintendent's office should include documentation of the long-range need and utilization of facilities within their comprehensive building plan and the comprehensive plan for special education.

- **Special Classes and Centers**

Special classes are programs which enroll pupils for a majority of the school day, grouping pupils with similar instructional needs. Special centers are clusters of special classes.

1. Special classes and centers should concentrate on pupils with intensive needs and should be maintained in conjunction with regular programs wherever possible. Regular classroom teachers and programs should receive support to facilitate integration of pupils from these classes.
2. Whenever special classes and centers cannot provide the required services, the district or county should review the possibility of sending these individuals to a state school for exceptional individuals.
3. Special class program teacher-pupil ratios should be included in the comprehensive plan, with the criteria for ratios established

by the State Board of Education. Each special class should also have an instructional aide.

• The Resource Specialist Program

The resource specialist program should provide instructional planning, special instruction, tutorial assistance, or other services to exceptional individuals in special programs and/or in regular classrooms of each school. This program is to be coordinated by a resource specialist, who is a special education teacher with advanced training in the education of individuals with exceptional needs.

1. A pupil's participation should be determined by his needs as specified in an individual pupil plan written by the School Appraisal Team.
2. The resource specialist program should coordinate designated instruction and services for those pupils assigned to regular classroom teachers for a majority of the school day.
3. The resource specialist program should coordinate interpretation and implementation of educational and psychological findings.
4. The resource specialist program may coordinate educational guidance for children with special problems and for their parents.
5. The resource specialist program may provide resource material, including professional literature related to special education and services, to regular staff members, parents, and others.
6. Establishment, maintenance, and supervision of special education services in the school should be done in cooperation with the resource specialist and under the supervision of program specialists.[1]
7. The resource specialist should provide consultative services to regular teachers.
8. Maximum case loads for each resource specialist should be established in the comprehensive plan and should meet standards established by the State Board of Education.

• Designated Instruction and Services

1. Designated instruction and services should be provided by specialists and should be of a specific nature not normally provided in regular and special class programs or in resource specialist programs.

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[1] For clarification of the responsibilities of the program specialist, see page 28.

2. Designated instruction includes services authorized by the State Board of Education. These services may include, but should not be limited to:

   Language/speech assessment, development, and remediation
   Audiological services
   Aural rehabilitation, including auditory training and speech reading
   Mobility instruction
   Instruction for the visually handicapped
   Instruction in the home or hospital
   Adaptive physical education
   Coordination and/or provision of physical therapy and occupational therapy
   Specialized driver training instruction
   Career preparation, work-study, occupational training
   Counseling and guidance, behavior management
   Parent education

- **Nonpublic School Services**

1. Nonpublic school services should be offered exceptional individuals when the district or county determines that such services can more appropriately meet the needs of the pupil. Nonpublic school services utilize other public or private schools and agencies which provide a variety of service for exceptional children. Parental approval is a prerequisite to enrollment in a nonpublic school.
2. When nonpublic school services are needed, school districts or counties should contract for services and provide the full cost of educational programs. The services necessary for each exceptional child should be determined prior to placement. In addition, contracts for these services should specify the amount and timing of payments. All contracts should allow either the public school or the nonpublic school agency to terminate the services.

   If services other than those specified in the contract are desired by a child's parents or legal guardian, they should arrange for payment of these services.

   In order to obtain the maximum benefit from services offered by nonpublic schools or agencies, the State Board of Education should adopt and the Superintendent should enforce standards of quality for all nonpublic schools participating in the program.

3. Individuals with exceptional needs may be enrolled concurrently in both public and nonpublic schools provided the pupil's major enrollment is in one school and the other enrollment is supplementary.
4. The responsibility for nonpublic school services should remain with the public school district or the office of the county superintendent of schools. The public school should provide the parent with periodic progress reports.
5. In the event the parent or guardian determines that a placement is inappropriate, whether in public or nonpublic school services, the appeal process specified in the comprehensive plan should be initiated. (See appeal sections, Chapter 2, pages 19 and 21.)

The parent should obtain a corroborating opinion of a physician, licensed or educational psychologist, social worker, or other qualified professional that the placement of the individual with exceptional needs is inappropriate and/or injurious. Following the appeal, if the parent or guardian does not accept the program planned for the child, the parent or guardian may request a tuition payment for education purposes in lieu of a free public education. Such payment should not exceed the lesser of the tuition payments to the nonpublic school or the state average cost of special education in public schools for all individuals with exceptional needs. The responsibility for providing the required education then will rest with the parent.

CHAPTER 5

Evaluation and Information System

Schools must evaluate the results of the special education programs in terms of the growth and development of exceptional individuals participating in these programs.

Annually, an audit team should conduct an intensive review of the educational process, organization, and pupil progress of selected comprehensive plans from throughout the state.

Objectives for Evaluation Efforts

The objectives for the evaluation efforts of special education programs are as follows:

1. Develop, disseminate, and implement the system for evaluation for special education programs.
2. Assist local program administrators with the design, development, and implementation of both effective short-term and long-term systems for evaluation of special education by (a) providing regional or statewide inservice training opportunities to those responsible for evaluation; (b) providing regional or statewide workshops and conferences for the consumers of special education evaluation information; (c) coordinating the research efforts of institutions of higher education with special education evaluation on both state and local levels; and (d) performing regular audits of special education programs, including the evaluation design.
3. Determine the costs of designing, developing, and implementing evaluation systems at both state and local levels. Implementation costs should include, but not be limited to, salaries and expenses of evaluators and costs of data collection, compilation, interpretation, and dissemination.
4. Provide state funding for the current year costs of evaluation.
5. Collect, compile, and interpret data for dissemination.
6. Encourage, recognize, and support those activities which most effectively support pupil progress and which successfully identify areas of program strengths and weaknesses.

7. Provide sufficient liaison, feedback, and coordination between the Special Education Support Unit, including the state schools, and other units within the State Department of Education to provide appropriate information input and output to meet special education needs.

Guidelines for Evaluation in Special Education

1. The Department of Education and local educational agencies should employ a sufficient number of qualified personnel whose primary responsibility would be to design, develop, and implement state and local systems of evaluation for special education.
2. Every comprehensive plan submitted for approval to the Superintendent of Public Instruction should have an evaluation component as an integral part.
3. The administrator of special education who has primary responsibility for special education in each geographic area encompassed by a comprehensive plan should compile, interpret, and report evaluation data to the State Department of Education.
4. Each geographic area encompassed by a special education comprehensive plan should be audited as often as appropriate during the period for which the program was approved. Such audits should be conducted on the actual program site and should include an investigation of pupil, program, and process information. Each year a sample of comprehensive plans should be audited by an outside audit team composed of state staff and peers selected from a panel of experts established by the state. Every comprehensive plan should be audited on site at least once every three years.
5. The Department of Education and local educational agencies should cosponsor, or conduct independently, periodic inservice training and workshops for local staff responsible for the evaluation of special education.
6. State funding should be allocated for the current year costs of evaluation.
7. The State Department of Education should expand its management information system to gather, analyze, and report comprehensive program information, including pupil, process, and program descriptions, to the U.S. Office of Education; the State Legislature; the State Board of Education; the Superintendent of Public Instruction; the Special Education Support Unit; and local, state, and federal education agencies.

8. Relevant pupil information (coded to ensure confidentiality), statistical information, and information for program analysis (as it concerns special and general education programs) should be collected and reported.
9. The Department of Education should research basic issues and relationships in special education and make recommendations based on such research findings.

CHAPTER 6

Financial Model for Special Education Funding

If a finance system is to foster the development of comprehensive, high quality special education programs, the following steps should be taken:

1. **The state should fund the excess costs of special education programs up to a specified level.**
2. **The allocation of funds should be made on the basis of the needs of exceptional individuals rather than by categorical disability.**
3. **A control system must be developed to establish fiscal accountability and to preserve the integrity of use of special education funds.**
4. **Support levels must be adjusted on a regular basis.**
5. **Program standards must be enforced.**

Objectives for Developing a Financial Model for Special Education

The objectives essential to the construction of an equitable finance plan for special education are as follows:

1. Provide adequate resources to assure equality of educational opportunity for all individuals with exceptional needs.
2. Provide levels of support for special education programs which will promote programs and services of equal quality.
3. Provide encouragement for the development of comprehensive programs.
4. Promote both program and fiscal accountability.
5. Clarify fiscal relationships between state, county, and district.
6. Ensure equity in support levels among various program components.
7. Provide adjustments in support levels to reflect changing costs.
8. Provide support based on needs of pupils enrolled in special education—funding based on specified programs and services rather than on categorical disability groupings.

9. Ensure that reporting and auditing policies and procedures are meaningful for evaluation and program development.
10. Provide methods for monitoring and evaluating quality control in special education statewide.

Guidelines for the Development of a Financial Model

If a new financing structure for special education is to be developed, the following guidelines must be adopted:

1. The state must provide financial support for the excess costs of standard special education programs.
2. Allocation of state support for special education must be made through the office of the county superintendent of schools to the county or district submitting a comprehensive plan for the programs they are operating. The allocation must be made in accordance with the provisions of the comprehensive plan and according to the state formula.
3. Funding of special education programs must be provided through the eight program components shown in Figure 1. The top portion of the chart illustrates how schools should receive special education funds to supplement local and state funds available to every child in California. These latter funds are listed in the middle and bottom portions of the chart as Equalization Aid from State, Local Aid from Tax Rate, and Basic State Aid.

   With each component, funding required to support special education programs and services above the guaranteed foundation allocations must be provided.
4. Each district or county submitting a comprehensive plan should coordinate the development of the plan which should include a control system to ensure adequate financial controls and specific accounting for special services, establish financial accountability, and preserve the integrity of special education funds.
5. The Superintendent of Public Instruction should annually review special education costs and adjust state support by adding sufficient revenues to allow the offsetting of inflationary factors and reflect the actual cost of a special education program.
6. Fiscal audit procedures should require reports from all school districts or offices of county superintendents of schools

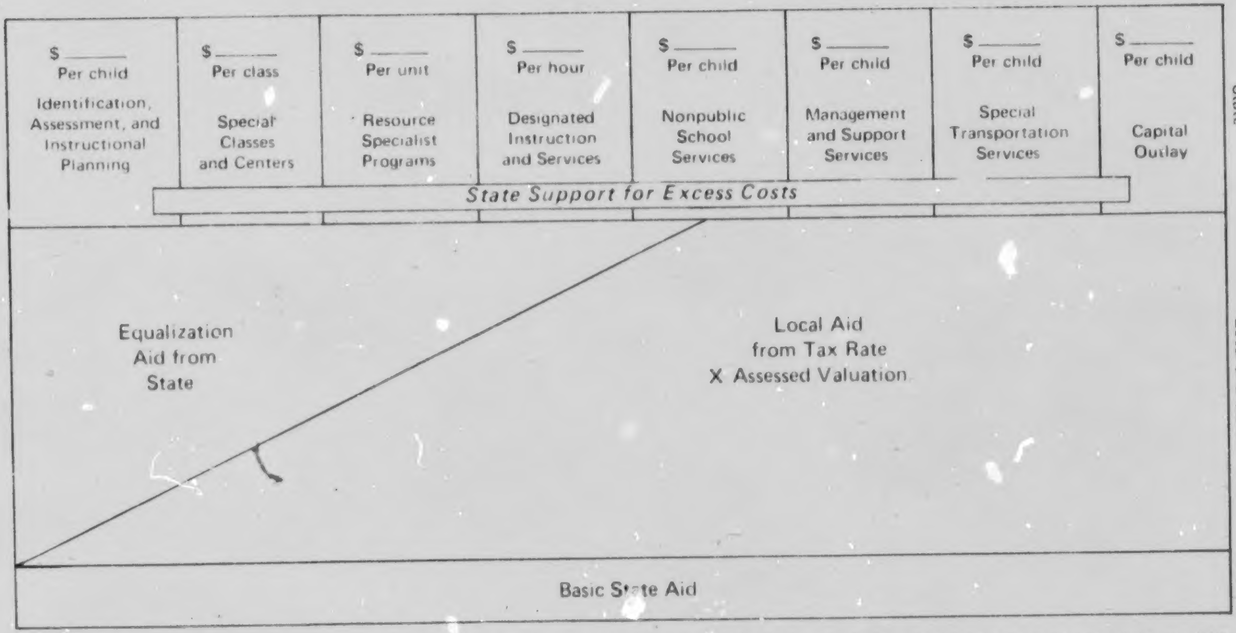
$ ____ Per child
Identification, Assessment, and Instructional Planning
$ ____ Per class
Special Classes and Centers
$ ____ Per unit
Resource Specialist Programs
$ ____ Per hour
Designated Instruction and Services
$ ____ Per child
Nonpublic School Services
$ ____ Per child
Management and Support Services
$ ____ Per child
Special Transportation Services
$ ____ Per child
Capital Outlay
State Support for Excess Costs
Equalization Aid from State
Local Aid from Tax Rate X Assessed Valuation
Basic State Aid
State
Local and State
State

Figure explanation: The top eight boxes illustrate how schools should receive special education funds to supplement local and state funds available to the general school program. These latter funds are labeled on the figure as (1) Equalization Aid; (2) Local Aid from Tax Rate; and (3) Basic State Aid.

Figure 1. State and local support for special education programs in California

participating in a comprehensive plan, using the same method of showing both direct and indirect costs by program components.

7. The special education comprehensive plans should reflect use of federal and other available funds for the education of exceptional individuals.
8. The state special schools should continue to be funded as general fund appropriations, with full level support provided.

Coordination of Federal Resources

In order to fully implement the Master Plan for Special Education, it is necessary to provide greater coordination of federal funds for special education at both the state and local levels.

The following are the guidelines and objectives for providing greater coordination of federal resources for special education programs:

1. A needs assessment based on long-range state planning and a broad range of factors should be made to identify the major special education problems deserving priority attention by the Department of Education.
2. The Department of Education should develop priorities for projects, or projects should be approved on the basis of a system of priorities.
3. An organizational structure and procedure should be established to coordinate the allocation of federal funds which are allocated for educating handicapped individuals in California and to ensure focus on areas of priority.

CHAPTER 7

Personnel Planning and Development

Implementation of a comprehensive special education program will require seven categories of personnel. The functions of the seven categories are:

1. **Teaching**
2. **Administering**
3. **Supervising-coordinating-consulting**
4. **Diagnosing**
5. **Providing paraprofessional service**
6. **Researching**
7. **Preparing personnel to train other educational personnel**

Cooperative action between the special education institutions (producers); the state, county, and district educational agencies (users); and the Commission for Teacher Preparation and Licensing (the certifying agency) will help establish a well-qualified work force for special education.

Adequate personnel needs assessment procedures should be established and updated annually to determine the number and the racial-ethnic membership of qualified personnel for special education.

Objectives for Personnel Planning and Development

The following are the objectives for personnel planning and development:

1. Collect data on all the personnel needs of special education in California and provide a continuous flow of information to all appropriate agencies for manpower planning.
2. Ensure that affirmative action policies encourage minorities to enter all levels of special education.
3. Develop guidelines identifying the roles and responsibilities of personnel which should be performed in each of the special education programs.

4. Secure cooperation of all agencies involved in the preparation, accreditation, certification, and utilization of special education personnel so that requirements, standards, and activities are compatible with the manpower needs of California.
5. Plan for the continuous inservice development of all personnel in special education (e.g., teachers, paraprofessionals, parents, and volunteers).

Guidelines for Personnel Planning and Development

The following guidelines should be considered in the reorganization of manpower planning and development for special education:

1. The State Department of Education should assess annually personnel in special education in California. Projected shortages and excesses for each category of personnel should be determined and reported to all appropriate agencies.
2. Personnel planning for special education should implement an affirmative action program to achieve a fully integrated work force.
3. Special education should offer consultation to regular teachers and train them to deal with those exceptional individuals who can be integrated into regular programs.
4. General education should, through preservice and inservice education for its teaching and administrative staffs, provide for the education of children with minimal problems and decrease its reliance on special education for services to these individuals.
5. Preparation of personnel in special education should be based on needed professional competencies and should provide for continuing evaluation of trainees.
6. The guidelines to be recommended to the Commission for Teacher Preparation and Licensing for the preparation of personnel in special education are as follows:
    a. Special education should be planned in the undergraduate program and should include early experiences with a variety of exceptional individuals.
    b. Special education undergraduate courses should provide for students to gain at that level a wide range of teaching competencies in all areas of special education, and specialization should be offered in the fourth and fifth years (as illustrated in Figure 2).
    c. Persons who have fulfilled the requirements of a special education program which has been blended with profes-

Type of preparation	College year					
	First	Second	Third	Fourth	Fifth	Sixth
General education	▨	▨				
Subject area major		▨	▨	▨		
Professional regular education			▨	▨	▨	
Professional special education			▨	▨	▨	▨

Generic → Specialization → Resource Specialist

Figure 2. Recommended college program for preparation of special education personnel

sional preparation for regular education and a subject matter area should be authorized to teach both regular and exceptional pupils.

Specialized credentials should relate to special education program components as illustrated in Figure 3.

7. The resource specialist should possess a valid teaching credential in special education; have a minimum of three years successful, full-time classroom teaching experience; and have completed or be enrolled in an advanced preparation program in special education.
8. Directors or assistant superintendents in charge of special education or special services should possess a valid administration credential; a minimum of three years successful, full-time experience in special education; and demonstrate the competencies prescribed by college or university programs approved for special education administrators.
9. Professional preparation programs for diagnosticians should include the development of competencies related to the diagnostic services required in special education programs and the completion of the professional preparation program recommended by the appropriate professions (e.g., medicine, psychology).
10. Training programs for competent paraprofessionals for special education should be developed by district and/or community colleges to prepare instructional aides for special

education. There should be multiple classifications of paraprofessionals depending on job functions, training, and experience.

11. Representatives of the Department of Education, the California institutions of higher learning, the Commission for Teacher Preparation and Licensing, and the local educational agencies should meet at least annually in a joint planning session to coordinate the number and types of persons being trained and the projected requirements for special education personnel.
12. Each school district or office of the county superintendent of schools should identify the procedures which will be used to improve the competency of all personnel in special education. Personnel in special education should be able to move upward on the career scale when they demonstrate the necessary competencies required of the position.

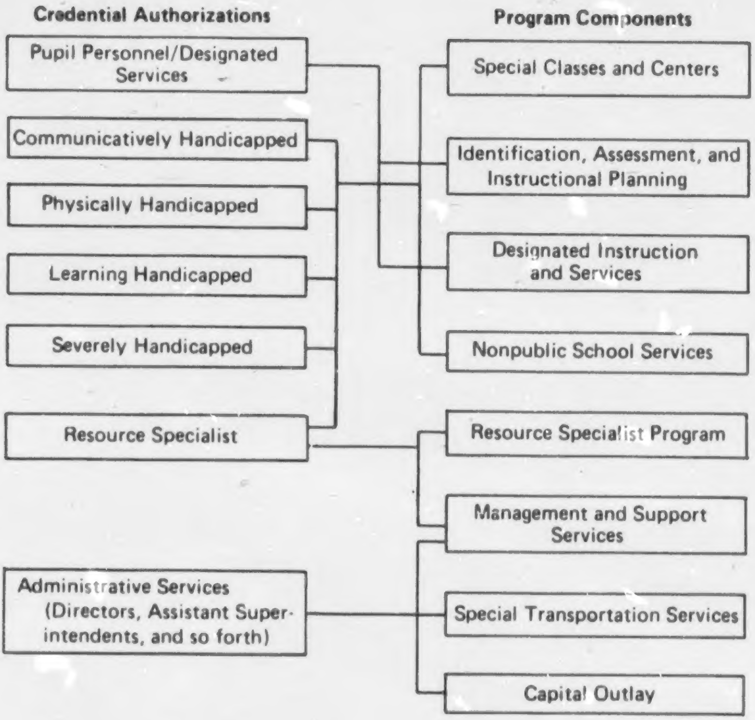
Credential Authorizations
Program Components
Pupil Personnel/Designated Services
Communicatively Handicapped
Physically Handicapped
Learning Handicapped
Severely Handicapped
Resource Specialist
Administrative Services (Directors, Assistant Superintendents, and so forth)
Special Classes and Centers
Identification, Assessment, and Instructional Planning
Designated Instruction and Services
Nonpublic School Services
Resource Specialist Program
Management and Support Services
Special Transportation Services
Capital Outlay

Figure 3. Relationship of credential authorizations to program components under the California Master Plan for Special Education

FINAL REPORT

SPECIAL EDUCATION IN THE STATES

LEGISLATIVE PROGRESS REPORT

2377

Handicapped Children's Education Project
Education Commission of the States

Denver, Colorado
September 1974

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WHAT IS HACHE?

The Handicapped Children's Education Program, a project of the Education Commission of the States, seeks as its goal to obtain within each state a commitment at the highest policy level to increase provisions for educational services to handicapped children.

The activities conducted by the HACHE project are based on the following three objectives and have been planned to assist each state in developing and implementing a commitment to full educational opportunities for the handicapped:

- Improve state legislation for handicapped children by assisting states in initiating, reviewing, amending and implementing legislation.
- Improve the utilization and allocation of each state's resources for providing educational services for the handicapped through the study and analysis of legislative issues and administrative procedures.
- Provide for the formulation and application of state policies for the education of the handicapped through task force activities, staff services to state governments and the promotion of the value of improved educational opportunities.

A task force consisting of 10 ECS commissioners and five professional and lay persons meets four times annually to develop recommendations related to program activities and to assist the states with legislative and administrative policies for the benefit of the handicapped.

1974 FINAL REPORT
SPECIAL EDUCATION IN THE STATES: LEGISLATIVE PROGRESS REPORT

Prepared by:
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Education Commission of the States
Denver, Colorado
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September 1974

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PREFACE

One of the functions of the Handicapped Children's Education Project (HACHE) of the Education Commission of the States is to act as a dissemination and referral center for information requests from legislators, educators and others who are interested in the education of handicapped children.

The following report contains summarized versions of major bills relating to the education of exceptional children that passed or failed in state legislatures in 1974. In some states, because the legislatures are still in session, final decisions have not yet been made. The report does not attempt to present all the bills that have been introduced, but rather represents an overview of major state legislation affecting exceptional children.

This is the final report in a series of three that HACHE has produced in an effort to keep you informed of what is happening in the states.

HACHE is able to provide more detailed information relating to state legislation upon request. Please contact C.D. Jones Jr., Assistant Project Director, HACHE, Education Commission of the States, 1860 Lincoln Street, Denver, Colorado 80203.

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The project presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred. This project is supported by the Bureau of Education for the Handicapped. Grant Number OEG-0-72-0242(607).

Additional copies of this report may be obtained from the Education Commission of the States, 300 Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203, (303) 893-5200

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SPECIAL EDUCATION IN THE STATES: LEGISLATIVE PROGRESS REPORT

STATE	*BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Architectural Barriers			
New York	S 2028 Senator Lewis	Would have required all public buildings, including schools, to be constructed to permit use by handicapped persons.	Died in Senate Finance Committee
New York	A 8948 Ch. 449 Assemblyman Levine	Amends the Executive Law and the Public Buildings Law in relation to facilities for handicapped persons and is applicable to new construction, reconstruction, rehabilitation, alteration or improvement of schools and libraries, except work completed or in progress on May 23, 1974. The amendment does not apply to minor repairs nor if the structural stability of a building or facility would be impaired by compliance with the provisions of the State Building Construction Code, as it relates to the physically handicapped.	Enacted— Signed by the governor 5-23-74. Effective 5-23-74
Pennsylvania	HB 1862 Representative McClatchy	Requires any college certified by the department of education to equip its buildings within one year to enable qualified, handicapped students to attend college.	House Education Committee
Vermont	SB 132 (Act #253) Senator Alden	Any parking lot on the premises of a public building shall contain a reasonable number of free, designated parking spaces in an accessible location for use by physically handicapped people patronizing the building.	Enacted— Signed by the governor 4-11-74. Effective 7-1-74
Bilingual/Bicultural Education			
New Jersey	SB 98 Senator Musto	Authorizes the chief state school officer to promulgate rules and regulations for the identification of pupils enrolled in the public schools of New Jersey who, because of the fact that a language other than English is the language commonly spoken in their homes, are handicapped in their ability to profit from instruction and are hereinafter referred to as linguistically handicapped children. The board of education in any school district in which 20 per cent or more of the pupils enrolled are classified under this act as linguistically	Senate Education Committee

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* A, AB, H, HB = House Bills
S, SB = Senate Bills

LB = Legislative Bills
SJR = Senate Joint Resolution
Ch = Chapter

SF = Senate File
ACR = Assembly Concurrent Resolution
CS = Committee Substitute

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STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SB 98 (continued)	handicapped may seek and obtain financial aid from the state at the rate of $500 per school year for each child identified. These funds are in addition to the resident enrollment aid in special education services reimbursement.	
New York	S 4610B Senator Giuffreda	Would have provided that any school district having 25 or more students whose first language is not English would establish programs of instruction for such pupils utilizing both languages.	Died in Assembly Rules Committee
New York	SB 7195 Ch. 31 Senator Marchi	Amends the Education Law to require bilingual examinations in appropriate second languages other than Spanish, which is already required.	Enacted— Signed by the governor 3-5-74. Effective 3-5-74
Central Registry/Census			
Mississippi	SB 1802 Ch. 553 Senator White, et al.	Establishes a program of registration of persons below 12 years of age in the state of Mississippi who suffer from impaired hearing or eyesight. The purpose of such programs is to identify such persons in order that they may be assisted in obtaining education, training, medical attention and other assistance to enable them to become more productive citizens. Requires the state department of education to maintain the registry of persons having impaired vision or hearing. The director shall provide reporting forms and prepaid return envelopes to each physician or optometrist licensed to practice and to each hospital, clinic and school in the state of Mississippi. It is the purpose of this section to facilitate the reporting of persons who are suffering from impaired hearing or eyesight. The director shall produce announcements of the program which set forth the purpose of the program and which invite registration from the public at large.	Enacted— Signed by the governor 4-12-74
New York	A 3449 Representative Shield	Directs school districts to take a census of children during September 1974 and every third year thereafter. Information regarding handicapped minors shall be filed with the Board of Cooperative Services (BOCES).	Assembly Codes Committee

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Child Advocacy			
New Jersey	SB 13 Senator Beadleston	Creates within the department of education a bureau for the deaf and appropriates specific sums which shall be included in an annual or supplemental appropriations act.	State Government, Federal and Interstate Relations Committee
Comprehensive Educational Services			
Iowa	SF 1163 Committee on Schools	Provides for replacement of the county school systems and joint county systems with area education agencies. Provides a means of identifying and serving children under 5 years of age through grade 12 who require special education. Provides for media services and other programs and services for pupils requiring special education in grades kindergarten through 12. Provides a method of financing the programs and services and avoids a duplication of programs and services provided by any other school corporation in the state. The area education agency board shall provide for special education services and media services for the local school districts in the area. The area education agency board may provide for the following programs and services to local school districts within the limits of funds available: (1) inservice training programs for employes of school districts and area education agencies, provided that at the time programs and services are established they do not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa; (2) research, demonstration projects and models, and educational planning for children requiring special education under 5 years of age through grade 12; (3) auxiliary services for children requiring special education under 5 years of age through grade 12; (4) other programs and services for children requiring special education under 5 years through grade 12 and for employes of school districts and area education agencies as approved by the department of public instruction. *Definition:* "Children requiring special education" means persons under 21 years of age, including children under 5 years of age, who are handicapped in obtaining an education because of physical, mental, emotional, communication or learning disabilities or who are chronically disruptive. *Policy:* The policy of the state is to provide and to require school districts to make provision, as an integral part of public education, for special education	Enacted—Signed by the governor 5-28-74. Effective date 7-1-74 for sections 1 and 2; 7-1-75 for the remaining sections

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STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SF 1163 (continued)	opportunities sufficient to meet the needs and maximize the capabilities of children requiring special education. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hinderances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling or other removal of children requiring special education from the regular educational environment shall occur only when and to the extent that the nature or severity of the educational handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities, upon the request of the board of directors of an area education agency, the department of social services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this act. *Preschool:* Special aids and services shall be provided to children requiring special education who are less than 5 years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age. Provides for certification by the director of special education of the eligibility of children requiring special education for admission to, or discharge from, special schools, classes or instruction. Initiates the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in cooperation with the management thereof and local school districts or area education agency boards. Provides for the employment and establishment of standards for the performance of special education support personnel required to assist in the identification of and educational programs for children requiring special education. Provides for the establishment of special education research and demonstration projects and models for special education program development. Establishes a special education resource, materials and training system for the purposes of developing specialized instructional materials and provides inservice training to personnel employed to provide educational services to children requiring special education. Approves the acquisition and use of special facilities designed for the purpose of providing educational services to children requiring special education.	

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SF 1163 (continued)	*Finance:* Pupils in a regular curriculum are assigned a weighting of one. Children requiring special education who require special adaptation while assigned to a regular classroom for basic instructional purposes and handicapped pupils placed in a special education class who receive part of their instruction in regular classrooms are assigned a weighting of one and eight-tenths for the school year commencing July 1, 1975. Children requiring special education who require full-time, self-contained special education placement with little integration into a regular classroom are assigned a weighting of two and two-tenths for the school year commencing July 1, 1975. Children requiring special education who are severely handicapped or who have multiple handicaps, or who are chronically disruptive, are assigned to a weighting of four and four-tenths for the school year commencing July 1, 1975. Shared-time and part-time pupils of school age who require special education shall be placed in the proper category and counted in the proportion that the time for which they are enrolled or receive instruction for the school year bears to the time that full-time pupils, carrying a normal course schedule, in the same school district, for the same school year are enrolled and receive instruction. The weighting of each category of child multiplied by the number of children in each category in the enrollment of a school district, as identified and certified by the director of special education for the area, determines the weighted enrollment to be used in that district for purposes of computations required under the state school foundation. The weight that a child is assigned shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. On Dec. 1, 1975, and no later than Dec. 1 every two years thereafter, for the school year commencing the following July 1, the superintendent of public instruction shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan suitable for subsequent school years. The division of special education shall audit the reports required to determine that all children in the area who have been identified as requiring special education have received the appropriate special education instructional and support services and to verify the proper identification of pupils in the area who will require special education instructional services during the school year in which the report is filed. *Evaluation:* The division may conduct an evaluation of the special education instructional program or special education support services being provided by an area education agency, school district or private agency to determine if the program or service is adequate and proper to meet the needs of the child. A written report of the evaluation shall be sent to the area education agency,	

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SF 1163 (continued)	school district or private agency evaluated and to the president of the senate and speaker of the house of representatives of the general assembly.	
Kansas	HB 1672 Representative Dyck	(Amended by SB 1024) Provides a comprehensive revision and recodification of the special education law. The bill: (1) substitutes the comprehensive "exceptional children" for the several different terms presently in the law that define specific categories of exceptionalities; (2) mandates as of July 1, 1979, that all boards of education provide approvable special education services for all exceptional children within the school district (the present July 1, 1974, mandate for programs for the developmentally disabled is not changed); (3) requires the state board of education to prepare, adopt and administer a comprehensive state plan including standards and criteria for special education services; (4) designates as included within the state plan special education programs of the state institutions which are under the jurisdiction of the department of social and rehabilitative services, the Kansas State School for the Deaf and the Kansas State School for the Visually Handicapped; (5) requires that all new rules and regulations adopted by the state board relating to special education be submitted to the legislature during each regular session to be modified, approved or disapproved; (6) creates a nine-member state advisory council for special education to be appointed by the state board of education for a term of three years; (7) provides for a due process hearing at the school district level concerning any assignment or reassignment or exclusion of a child with regard to special education services; (8) combines the three existing categorical aid programs for special education into a single program and revises the method of distributing categorical funds; (9) recognizes paraprofessionals within the categorical state aid distribution plan.	Enacted—Signed by the governor 3-22-74 SB 1024 enacted—Signed by the governor 4-2-74
Mississippi	HB 235 Representative Lippian	An exceptional child shall be defined as any child of educable and trainable mind under 21 years of age for whose particular needs, institutional care and training are not available in this state or who cannot or should not pursue regular classwork because of defective hearing, vision, speech, mental retardation or physical handicap or because of the possession of an exceptionally high degree of intellect, ability or creative talent. Such children shall be determined by competent professional persons in such disciplines as medicine, psychology, special education, speech pathology and social work. In any school district, properly interested persons or agencies or parents or guardians of five or more of any one type of exceptional children or of types which may be taught together (with the exception of those children possessing an exceptionally high degree of intellect, ability or creative talent), may petition the board of trustees or	Enacted—Signed by the governor 3-25-74. Effective 7-1-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	HB 235 (continued)	governing board of the district for a special class or classes. The school authority shall request that the state department of education cooperate in the establishment of the necessary class or classes.	
Montana	HB 386 Ch. 93 Representative Marbut	Expands the definitions of handicapped children to include educationally handicapped persons requiring mandatory special education services after July 1, 1979, and provides for the establishment of special education services for educationally handicapped persons. Special education is a kind of instruction requiring special facilities or programs for mentally retarded or physically handicapped children or for educationally handicapped persons. An educationally handicapped person is a child or young adult under the age of 21 years who requires special assistance to the extent that he cannot reasonably profit from the regular program. After July 1, 1979, every school district must provide or establish and maintain a special education program for every handicapped person defined between the ages of 6 and 21 years in the district who cannot benefit sufficiently from the regular program of instruction by reason of his mental, physical, emotional or learning problems. A school district may meet its obligations to handicapped persons by establishing its own special education program, by establishing a cooperative special education program or by participating in a regional service program.	Enacted— Signed by the governor 4-4-74. Effective 7-1-74
New York	S 8501A Senator Donovan	Would have guaranteed every child the right to a public education and mandated that every local school district be responsible for the education of all the children in that district. Would have mandated that whenever possible, handicapped children would be educated with regular students in regular classroom programs; required that schools begin providing educational programs for all handicapped children from age 3, if it would be beneficial to the child; and required automatic evaluation of every child upon school entrance to determine the most appropriate program for the child. Would have included the right of parental access to active participation in the evaluation and placement process, including the right to seek an independent evaluation and to obtain redress in the courts for services not provided by the school district. Would have included transportation for all handicapped children to attend school. Implementation of full service sought by September 1975.	Died in Senate Education Committee
North Carolina	SB 1238 Ch. 1293 Senator Gudger	(Companion bill to HB 1814) Provides for a comprehensive revision of the special education law. This act is cited as the Equal Education Opportunities Act that established a division of children with special needs; requires state plans by the state board and local boards of education annually; establishes local and state advisory committees on children with special needs; and	Enacted— Ratified on 4-11-74. Effective 7-1-[illegible]

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SB 1238 Ch. 1293 (continued)	establishes a special education fund in the state treasury. It is intended that all current and future teacher allocations and general fund appropriations to programs for children with special education needs be noncategorical. Requires appropriate placement in educational services not later than the fall of 1976 for those pupils now attending school and for those who will be eligible during that period and no later than the school year beginning in the fall of 1977 for those children in institutions to be evaluated and who, to the maximum extent practicable, should be placed in an appropriate community-based program. The bill also provides a right of appeal by parent or guardian and program evaluation.	
Ohio	HB 858 Representative Sweeney	Gives the responsibility for the education of all handicapped children between the ages of 3 and 21 to boards of education. Deletes IQ and handicap as reasons for excluding children from public school education. Every school district would be required to submit a plan for providing services by July 1, 1976. Prior to July 1, 1978, school districts would be permitted to contract with the director of Mental Health and Retardation for services. Thereafter, the school district would be responsible for providing services itself. Also contains a detailed due process procedure to review determinations made on the assignment of pupils to programs when parents object.	Assigned to the House Education Committee
Ohio	HB 954 Representative Stinziano	Provides for implementation of comprehensive special education plans. Approval of state funds for the operation of programs and services provided shall be contingent upon a comprehensive plan for special education approved by the state board of education. The state board of education shall not approve a school district's plan unless the plan proposed meets the educational needs of handicapped children in that school district and other school districts in the same general area.	Senate Education and Health Committee
West Virginia	HB 1271 Representatives Merritt and Gillispie	(Article 20) Relates to the establishment of special programs and teaching services for exceptional children. County boards of education shall establish and maintain special education programs for all exceptional children between the ages of 5 and 23 years of age. Provisions shall be made for educating such exceptional children (handicapped and gifted) who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or both, to the extent that they cannot be educated safely or profitably in the regular classes and to the extent that they need special education provisions within the regular classroom. County boards shall establish and maintain special education programs by July 1, 1974. Special education programs can be provided for exceptional children 3 years of age or	Enacted-- Effective 7-1-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	HB 1271 (continued)	older. Each child enrolling in a special education program shall be examined by an appropriate specialist. The specialist's report shall carry recommendation for eligibility and placement in regular schools or in the special education facility, indicate the nature and extent of the disability and advise with reference to treatment and prosthesis for alleviating the child's disability. The superintendent shall cooperate with all other public and private agencies engaged in relieving, caring for, curing, educating and rehabilitating exceptional children and in helping coordinate the services of such agencies. Creates an advisory council for the education of exceptional children which shall advise and consult with the state board of education.	
Compulsory School Attendance			
Kentucky	HB 40 Representative Clarke	Relates to exemptions from compulsory school attendance. For any child who is excluded under the provisions of this act (i.e., subsection (1) (c)) home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards, rules and regulations of the state board of education shall be provided.	Enacted—Signed by the governor 3-15-74. Effective 90 days after session ends
Corporal Punishment			
California	SB 1600 Senator Petris	Prohibits the administration of corporal punishment to pupils enrolled in special education facilities and services.	Assembly—3rd reading
Definitions			
Florida	Committee Substitute for HB 3692 Appropriations Committee of the House	Sections 16-17. The term "exceptional student" means any child or youth who has been certified by a specialist qualified under regulations of the state board to examine students who may be unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities or related services, or a combination thereof. The term "exceptional student" includes the following: the mentally retarded, the speech-impaired, the deaf and hard-of-hearing, the blind and partially sighted, the crippled and other health-impaired, the emotionally disturbed and socially maladjusted and those with specific learning disabilities (and may include the gifted). Each school board shall provide an appropriate program of special instruction for exceptional children;	Enacted—Signed by the governor 6-18-74. Effective July 1974

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	Committee Substitute for HB 3692 (continued)	such programs shall be implemented in annual increments so that all exceptional children shall be served, provided however, that all severely and profoundly retarded children shall be served by 1977-78.	
Florida	SB 369 Committee on Education	Related to the definition of "exceptional students." The term "exceptional student" would have been clarified to include any child or youth certified by a specialist qualified under regulations of the state board as unsuited for enrollment in a regular class of the public schools or unable to be adequately educated in the public schools without the provisions of special classes, instruction, facilities or related services, or a combination thereof. Each school board would have been mandated to provide an appropriate program of special instruction for exceptional children, with such programs implemented in annual increments so that all exceptional children would be served by 1973-74. A condition of this would have been that all severely and profoundly retarded children be served by 1975-76. Would have appropriated $635,000 for the purposes of this act, which was to have been effective July 1, 1974.	Died in Senate Ways and Means Committee
Georgia	HB 1504 (Act #1289) Representative Burton	Changes the present legal definition of the term "exceptional child." This bill would consider as exceptional children those persons 3 to 20 years of age who have emotional, physical, communicative or intellectual deviations, or any combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment, and who require modifications or alterations in their educational programs. This definition includes children who are mentally retarded, physically handicapped, speech-handicapped, multiple-handicapped, autistic, intellectually gifted, hearing-impaired and any other areas of exceptionality which may be identified.	Enacted— Signed by the governor 3-28-74
Kentucky	HB 41 Representative Clarke	Relates to the definition of exceptional children. Exceptional children means all persons under 21 years of age who are different in one or more aspects from average or normal children in physical, emotional or social characteristics and abilities to such a degree that it is impracticable or impossible for them to benefit from or participate in the regular or usual facilities or classroom programs of the public schools in the district in which they reside. These children include the neurologically impaired, visually impaired, hearing-impaired, emotionally disturbed, retarded, children with learning disabilities, communication disorders and those children who are multiple-handicapped.	Enacted— Signed by the governor 3-12-74. Effective 90 days after session ends

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Mississippi	HB 235 Representative Lippian	Provides that the definition of exceptional children include gifted children. Such children shall be determined by competent medical authorities and psychologists who are approved by the state board of education.	Enacted— Signed by the governor 3-25-74. Effective 7-1-74
New York	S 132 Senator Marino	Extends the definition of handicapped children to include emotionally disturbed children.	Senate Education Committee
New York	S 275 Senator Pisani	Extends the definitions of handicapped children to include learning disabilities.	Senate Education Committee
Evaluation/Testing			
Florida	Committee Substitute for HB 3692 Representatives Johnson and Carlucci	Sections 29-40. The Florida Diagnostic and Resource Centers for Exceptional Students Act of 1974. The department of education is directed to establish 16 regional diagnostic and resource centers for exceptional children. In order to better serve children in counties not having a regional center, diagnostic and resource centers are authorized to use mobile testing units equipped to provide the same services as are available at the regional center. The regional diagnostic and resource center shall coordinate all diagnostic services for students with disabilities, using to the maximum the existing facilities and services within the district or districts. Beginning in 1975, each center shall, prior to the commencement of the regular school year, hold inservice workshops designed to familiarize classroom teachers, principals and supervisors with the center facilities and programs and to aid them in the detection of children with disabilities. Diagnostic and resource centers are authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in a public school. The state coordinator of diagnostic and resource center programs shall: (1) select a qualified director and staff for each center and (2) submit an annual summary report together with his recommendations to the legislature on the programs and activities of all the diagnostic and resource centers. Each school board in a district having a diagnostic and resource center shall: (1) provide the necessary physical facilities and administrative support to enable the center to serve the maximum number of students possible; (2) refer students to the center for testing and evaluation; and	Enacted— Signed by the governor 6-18-74. Effective July 1975

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	Committee Substitute for HB 3692 (continued)	(3) establish or provide programs to meet the needs of students identified by the center as having disabilities. In counties not having a center within their borders, the school board is authorized to contract with one or more centers that are the closest in proximity to the student population to be served. The director of each center shall: (1) coordinate the activities of the center and the school districts to insure that all schools receive the necessary services; (2) keep a record of all pupils referred to the center, all tests given and all resource services provided either to the districts or to an individual child; (3) submit an annual plan to the department of education which shall include, but not be limited to, a description of physical facilities, the number of the districts and children to be served and the type of program to be offered. There is hereby appropriated the sum of $4 million to be allocated as follows: $2 million for the establishment and operation of 16 diagnostic and resource centers; $1 million to be used for the purchase of mobile testing units; $1 million to be allocated to the department of education for distribution to districts which, upon application, can show special unmet needs.	
Mississippi	SB 2095 Senator Tucker	Mississippi Learning Resources Act of 1974. Develops and makes available to children of this state who are experiencing learning problems or show evidence of potential learning problems a comprehensive program of services that will raise the quality of education for all children in the state of Mississippi who are in need of such services. The department is authorized to employ and train such professional and clerical assistance as is necessary to implement and administer the system. The state superintendent of education shall appoint a Learning Resources Advisory Committee, not to exceed 30 members, as the superintendent, at his discretion, deems proper. The department shall determine the services to be provided by the system, including: (1) continuous upgrading of the quality and effectiveness of testing and evaluation of children who are not making satisfactory progress in school and preschool children who evidence potential learning problems; (2) development and dissemination of information on educational curricula and programs for the instruction of children identified as needing special educational services; (3) provision, to school and other agencies rendering educational and related services to children, of professional services and consultation on specific learning problems encountered; (4) evaluation of educational services provided to children and consultation with administrators as to the improvement of such programs of services; (5) maintenance of inservice training programs for teachers; (6) pro-	Enacted—Signed by the governor 3-15-74. Effective upon passage

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SB 2095 (continued)	vision of prospective teachers and other personnel opportunities to observe, study and work with children, especially children with learning problems; (7) consultation with parents and appropriate educational agencies as to the resources available for diagnosis, education, care and treatment of their children; (8) maintenance of a computer reference by school district on the pupils who have received services in order to assure that appropriate educational procedures are being developed and utilized. The department's duties shall be: (1) to establish in various areas of the state, the location and size of which shall be determined by the department, a team of full-time, qualified professional persons trained, individually or collectively, in the disciplines of psychology, speech and hearing, special education and social work. One team shall be provided for each area and shall render diagnostic, screening and prescriptive services to all children or youth found to be in need of such education-related services; (2) to contract for or purchase services of clinical and medical specialists, including, but not limited to, pediatricians, neurologists and psychiatrists, when such services of specialists are needed and not available from members of a team; (3) to consult with school personnel, parents and agencies concerned with children and to serve as resource personnel whom such persons and agencies may consult for assistance in curriculum planning, methodology, material selection and other educational information or materials; (4) to serve as a resource in programs of preservice and inservice training of teachers; (5) to disseminate information to the public with regard to children who experience learning problems.	
New Jersey	SB 441 Senator Beadleston	The state board of education shall identify and ascertain which children, if any, between the ages of 5 and 20 in the public schools of the district cannot be properly accommodated because of handicaps through the school facilities usually provided. In addition, each board of education shall also identify and ascertain when deemed appropriate those children between the ages of 3 and 5 who require and who would benefit by a special education program which may prevent their handicap from becoming more debilitating. The board of education may, if a local child study team so recommends and the commission approves, provide for children under the age of 5 suitable facilities, programs and special services, in respect to which facilities, programs or services are provided for children 5 years of age or over.	On current agenda of the Senate Education Committee

Expanded Educational Services

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
California	AB 383 Ch. 95 Representative MacDonald	Permits a county superintendent of schools to contract with a county school district or another county superintendent to provide education for physically handicapped pupils residing anywhere within the county, rather than only those physically handicapped pupils residing in districts of less than 8,000 Average Daily Attendance (ADA).	Enacted– Signed by the governor 6-15-73. Effective immediately
California	AB 2268 Ch. 1081 Representative Keene	Specifies that in the integrated instructional programs for physically handicapped pupils, the full-time special teacher who provides supplementary teaching services shall serve within the employing or other district being served.	Enacted– Signed by the governor 10-1-73. Effective 1-1-74
California	AB 2699 Representative Murphy	Authorizes county superintendent of schools to enter into agreement with school districts regarding the acquisition and use of mobile units for the education and therapy of speech-handicapped pupils.	Senate Finance Committee
California	SB 851 Ch. 1168 Senator Marler	Provides for regular class instruction to educationally handicapped pupils and mentally retarded pupils in specified circumstances, whenever there are fewer than six such students in schools of a district or schools served by a county superintendent. Also provides for speech instruction and for additional annual allowance of $1,018 per unit of ADA for mentally retarded and educationally handicapped pupils in regular day classes and for speech-handicapped pupils in specified classes.	Enacted– Signed by the governor 10-2-73. Effective 1-1-74
California	SB 581 Ch. 450 Senator Barryhill	Authorizes county superintendents of schools to enter into an agreement by which a public school in a state adjacent to the county will provide for the resulting attendance and for specified allowance for cost of such an agreement and inclusion of excess costs in the amount raised by specified county tax. Also provides for reporting resulting attendance.	Enacted– Signed by the governor 9-11-73
California	AB 748 Representative Cory	Establishes a three-year trainable mentally retarded program and authorizes the state board of education to select school districts and county superintendents of schools to begin programs for vocational education instruction and on-the-job training of trainable mentally retarded persons between the ages of 21 and 25 years. Requires the development of criteria for participation in the program by the department of education in cooperation with the department of social welfare and the department of rehabilitation. Also requires participating districts and county superintendents to keep continuous records of the progress of each student and to transfer records upon termination in the	Amended in the Senate Finance Committee and rereferred to the Senate Finance Committee

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	AB 748 (continued)	program to any other state or local agency that intends to provide assistance. This bill is to remain in effect until July 1, 1978, and appropriates $1,500,000 to the department of education.	
California	SB 1575 Senator Grunsky	Lowers the age from 5 to 3 years for severely mentally retarded pupils for whom school districts and county superintendents of schools may provide special education.	Senate Finance Committee
Florida	SB 639 Senators Peterson and Graham	Special education support services act of 1974. Would have authorized the department of education, division of elementary and secondary education, to award grants to local school districts for the establishment or expansion of special education support services to: (1) assure the availability of a full range of education assessment, medical, psychological, social and prescriptive instructional services and other related services through direct services or purchased services and (2) provide consultant services within a district or districts to parents, regular teachers, exceptional child teachers, principals and other school personnel and community organizations who provide instructional programs. Would have appropriated to the department of education, division of elementary and secondary education, from the general revenue fund for the fiscal year 1974-75, $2,860,000 to provide grants to school districts for administration, staff and other services for the implementation of special education support programs and $60,000 to administer and carry out the purposes of this act.	Died in Senate Ways and Means Committee
Georgia	SB 504 (Act #824) Senator Rowan	Provides for instruction of pupils who are married, a parent or pregnant, whether married or unmarried. The instruction would be within the regular daytime education program, and a local school system may develop and implement special programs of instruction limited to such students within the regular daytime educational program. These programs may include instruction in prenatal care and child care.	Enacted— Signed by the governor 3-18-74
Kentucky	HB 240 Representative Hinkle	Permits exceptional children who cannot be assembled in a school to receive instruction in the child's home, hospital or sanitarium.	Enacted— Signed by the governor 3-28-74. Effective 90 days after session ends

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STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Kentucky	HB 271 Representative Hinkle	Provides for instruction for exceptional children in either another school district or with a private organization when such programs are not available in a district in which the child resides. The school board of the school district in which any child resides shall pay for his transportation to and from the program. However, if the school board of the other district or the private organization also provides transportation, the cost of transportation shall be included in the total cost.	Enacted— Signed by the governor 3-15-74. Effective 90 days after session ends
Michigan	SB 1151 Senator Toepp	Allows special education services to be contracted for directly or in a cooperative manner through millage levied by an intermediate school district.	House Education Committee
Nebraska	LB 432 Senator Marvel et al.	Directs the state department of education to develop and provide a comprehensive educational program for acoustically handicapped children in Nebraska to be operated as a satellite program for the Nebraska School for the Deaf. The program shall be in operation not later than Oct. 1, 1974, and is designed to serve acoustically handicapped children at the preschool and primary levels of education. The state department of education is designated to coordinate the curriculum and method of service delivery of the educational program for acoustically handicapped children with the programs offered by the Nebraska School for the Deaf.	Enacted— Signed by the governor 2-4-74. Effective 7-11-74
New York	A 8150 Representative Cook	Would have authorized the department of education to spend up to $3,500 in contracting with an educational facility for the education of a handicapped child.	Died in Assembly Education Committee
Experimental Pilot Programs			
California	SB 29 Ch. 29 Senator Grunsky	Requires the superintendent of public instruction to authorize a pilot program for the education of severely mentally retarded pupils between the ages of 3 and 5 years, to evaluate the effectiveness of these programs and to report to the legislature the results not later than Jan. 12, 1974. Also appropriates $155,000 for expenditures in fiscal year 1973-74.	Enacted— Signed by the governor 4-27-73. This act became operative 7-1-73 and ceases to operate 7-30-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
California	SB 957 Ch. 749 Senator Gregorio	Authorizes two (rather than one) experimental programs for deaf and severely hard-of-hearing children who are at least six months of age. A final evaluation report is to be submitted to the legislature by June 30, 1975.	Enacted— Signed by the governor 9-25-73
Minnesota	HB 2996 Ch. 521 Representative Graba	General Appropriations Act. Section 2 relates to early childhood identification and educational programs. Provides for the 1974-75 school year. The council on quality education shall make grants to not fewer than six pilot early childhood and identification and educational programs. These programs are for children before kindergarten and below age 6 and involve: identification of potential barriers to learning and the education of parents on child development.	Enacted— Signed by the governor 4-11-74
New Jersey	AB 335 Representative Froude	To develop and carry out experimental and early childhood educational programs, for handicapped children, which show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Appropriates $1 million for the purpose of this act.	Assembly Education Committee
New Jersey	AB 1031 Representative Baer	Relates to the development of quality educational programs for gifted or talented children. "Gifted or talented students" means students enrolled in the public schools of New Jersey whose intellectual capacity or talent potential in the areas of art, language, mathematics, music or science are so superior that their full potential for development may be significantly impaired by failure to receive an appropriate special education program or that their ability to profit from the regular educational program usually offered to students their age may be significantly impaired. A two-year pilot program shall be developed to provide such appropriate special education for gifted or talented students. Appropriates $240,000 to the department of education for the purposes of this act.	Assembly Education Committee
New York	A 11170A Assemblyman Wortz	Authorizes the Suffolk County Department of Personnel to determine 100 positions with limited duties to be performed by physically handicapped persons and to provide for such positions to be filled by persons certified by the Suffolk County commissioner of health. This is presented as a two-year experiment to be followed by recommendations to the State Civil Service Commission and the county executive of Suffolk County.	Enacted— Signed by the governor 5-30-74. Effective 5-30-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Finance			
Idaho	SB 1362 Ch. 127 HEW Committee	Provides special services by certified special education teachers and ancillary personnel in approved special education programs. Changes the term "handicapped" to "exceptional." Adds an exceptional child sparsity factor to the foundation education program and provides for payment of approved personnel, i.e., teacher aides, ancillary personnel, program directors and supervisors to be no more than 80 per cent of allowable salaries. Also requires reports and the keeping of records.	Enacted— Signed by the governor 3-28-74. Effective 7-1-74
Illinois	HB 2744 Representative Pierce, et al.	Would have increased special education reimbursement for children attending private schools or facilities from $2,000 to $2,500 per student or the amount of payments in excess of the per capita tuition charge (now $600) per student, whichever were less.	Vetoed by the governor 7-26-74
Kansas	HB 2059 Ways and Means Committee	General Foundation Bill. Section 47A of this act appropriates the sum of $3 million for fiscal year 1975 from the state general fund to the state department of education for the purpose of increasing state categorical aid for special education.	Enacted— Signed by the governor 4-2-74
Kansas	SB 649 Senator Meyers	Provides for direct state financial assistance for community mental health centers and for community facilities for the mentally retarded. Under provisions of this act, 85 per cent of any appropriated funds would be available for financial assistance to community mental health centers and the remainder, or 15 per cent, would be available for financial assistance for community facilities for the mentally retarded. The secretary of social and rehabilitative services is designated to administer state financial assistance.	Enacted— Signed by the governor 3-17-74
Kansas	SB 769 Ways and Means Committee	Appropriates $400,000 from the state general fund for assistance to mental health centers and mental retardation programs as covered under SB 649.	Enacted— Signed by the governor 3-19-74
Montana	SB 662 Ch. 345 Senator Gilfeather et al.	Establishes procedures for fixing special education program budgets within school budgets.	Enacted— Signed by the governor 3-28-74. Effective 7-11-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Montana	SB 660 Senator Gilfeather et al.	Provides that a school district may count special education students for Average Number Belonging (ANB) purposes when a student is enrolled less than half time in the regular program and the balance of his time in district special education programs.	Enacted— Signed by the governor 3-28-74. Effective 7-1-74
Montana	SB 661 Senator Gilfeather et al.	Enumerates the allowable costs of special education programs which a school district may count for the purpose of assistance from the foundation program.	Enacted— Signed by the governor 3-28-74. Effective 7-1-74
New Jersey	SB 123 Senator Fay	Appropriates $1 million for the support of extended workshop employment programs for the severely handicapped.	Revenue, Finance and Appropriations Committee
New York	S 510 Senator Flynn	Would have increased the stipend for instruction of handicapped children to $4,000 per year and specify that instruction be provided from ages 3 to 21.	Died in Senate Education Committee
New York	A 9033 S 7733 Assemblyman D'Amato	Apportions aid to school districts having pupils with minimal learning disabilities. Would have provided local school districts with additional funds to provide adequate programs for minimally learning-disabled pupils in their home districts in the normal mainstream of education.	Died in Assembly Education Committee
Pennsylvania	H 1700 Representative Itkin, et al.	Raises the approved cost of tuition and maintenance for socially and emotionally disturbed children from $3,300 to $5,500 per school year.	House Education Committee
Tennessee	HB 1571 Ch. 790 Representative Tom Jensen et al. Senators Garland and Oehmig	General Appropriations Bill. Most appropriations of state funds for the 1974-75 year are contained in this bill. For special education, the bill contains: (1) an additional $15,033,960 for various education of the handicapped programs; (2) weekend transportation for state special school children ($200,000); (3) West Tennessee Center for the Deaf for diagnostic services ($253,000).	Enacted— Signed by the governor 4-6-74. Effective 7-1-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Legal Age of Eligibility for Services			
Alaska	HB 592 Health Education and Social Services Committee	Provides for competent educational services for exceptional children in the state who are at least 3 years of age and for whom the regular facilities are inadequate or not available, and for educational assessment for the identification and classification of the learning, mental or physical status of the child. Parent or guardian may request an independent examination or evaluation of the child if he believes the educational assessment of the child is in error. Provides for transfers of exceptional children.	Enacted— Signed by the governor 5-10-74. Effective 8-8-74
Mississippi	SB 1803 Senator White et al.	Requires that the board of trustees of the Mississippi School for the Deaf and of the School for the Blind shall establish the minimum age eligibility for admission to the schools.	Enacted— Signed by the governor 3-6-74
New York	A 3340 Ch. 1066 Assemblyman Carroll	Provides approved educational services for deaf children under 3 years of age in institutions for the deaf. There is a one-year residence requirement which may be waived by the commissioner of education. Children are required to attend the institution nearest their legal residence, but this may be waived. The programs are to be provided by the state on a day basis under the usual conditions. There is an appropriation of $200,000.	Enacted— Signed by the governor 6-15-74. Effective 7-1-74
Study Councils and Committees			
New Jersey	SJR 11 Senators Hirkala, Russo and Bedell	Creates a 12-member commission to study the nature, extent and amount of state aid programs for mentally retarded persons.	Institutions, Health, Education and Welfare Committee
New Jersey	ACR 13 Representative Orichio	Would have created a commission to study the feasibility of establishing a program of preschool training for physically handicapped children.	Died in Assembly Education Committee
North Carolina	SB 1382 Ch. 1422 Senator Gudger	Creates a permanent legislative commission on children with special needs. The commission is authorized to pursue an indepth study of the services provided by other states of children with special needs; collect and evaluate the comprehensiveness of existing legislation in North Carolina which is relevant to programs for children with special needs, as well as pertinent reports, studies and findings from other states and national organizations; and monitor on a continuing basis the progress of the state as it moves toward meeting the service	Enacted— Ratified on 4-13-74. Effective on date of ratification

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	SB 1382 Ch. 1422 (continued)	requirements of children with special needs. The commission shall make a report to the general assembly not later than Feb. 1, 1975, and Feb. 1 of each subsequent session through 1979. The 1979 report shall contain a review of the effectiveness of the commission and a recommendation concerning future retention of the commission. Appropriates $40,000 for the 1974-75 fiscal year.	
North Carolina	HB 1546 Ch. 1079 Representative Bell	Establishes an advisory council to the state board of education to be called "The Council on Educational Services for Exceptional Children." The council shall consist of 17 members. The duties of the council shall be to carry out periodic review of the exceptional child program in the public schools; to receive complaints from citizens concerning all aspects of the operation of the public schools dealing with the exceptional child, to review these complaints and to make recommendations to the state board of education on corrected actions and programming.	Enacted— Ratified on 4-1-74. Effective on date of ratification

Teacher Certification/Inservice Training

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Florida	HB 2757 Representatives Johnson and Carlucci	Would have required the division of elementary and secondary education of the department of education to employ one full-time educational consultant to coordinate and oversee specific learning disabilities programs throughout the state. Appropriated $27,200 for the employment of such a person and for a secretary and office space.	Died in the Appropriations Committee
Florida	HB 2758 Representatives Johnson and Carlucci	Would have provided that no regular certificate as an elementary classroom teacher be granted to any applicant who had not received college training or its equivalent in the observation and interpretation of student behavior for the purpose of detecting specific learning disabilities and would have authorized the issuance of a temporary 12-month certificate. Would have authorized the department of education to approve workshops in the school districts to serve as equivalent training required by the act and grant a 12-month period to elementary teachers currently certified to meet the requirements of the act.	Died in the Appropriations Committee
Florida	Committee Substitute for HB 3692 Representatives Johnson and Carlucci	Section 26. Inservice Educational Personnel Training. Each school board shall develop and maintain a comprehensive inservice training program for all educational personnel. Such programs shall be funded through annual appropriations in the Florida education finance program to each school district at the rate of $5 per full-time equivalent student in each district or such other rate as may be established annually by the legislature. Funds appropriated to school districts pursuant to this section shall be used exclusively for inservice	Enacted— Signed by the governor 6-18-74. Effective July 1974

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
	Committee Substitute for HB 3692 (continued)	personnel training programs meeting criteria established by the department of education for inservice master plans. When a district has an approved teacher education center, these funds and the inservice programs shall be conducted in accordance with the provisions of the Teacher Education Center Act of 1973 as amended.	
Georgia	HB 1815 (Act #1236) Representative Burton, et al.	Provides certain requirements relative to the certification of teachers, principals and guidance counselors. Under this legislation, no person would be granted a certificate as a teacher, principal or guidance counselor after July 1, 1976, unless such person has satisfactorily completed a course of five or more quarter hours, approved by the state board of education, in the education of exceptional children or participated in a local system's staff development program designed to assist teachers in the identification of students with special needs.	Enacted—Signed by the governor 3-26-74
Transportation			
Colorado	SB 84 Senator Noble	Amends provisions relating to reimbursable program costs approved by the department regarding mileage expenses incurred for consultation and evaluation services provided by psychiatrists, psychologists, social workers and speech therapists.	Enacted—Signed by the governor 5-14-74
Michigan	SB 915 Senator Bursley	Allows the department of education to waiver 1 1/2-mile limitation for districts transporting a handicapped child, if the department determines the child cannot walk that distance safely.	House Education Committee
Michigan	SB 1117 Senator Bursley	Increases the limit allowed for reimbursement for transporting handicapped children to public schools.	Senate Appropriations Committee
Nebraska	LB 92 Senator Snyder	Related to handicapped and trainable mentally retarded children. Contains provisions to change allowances for transportation expenses and to eliminate a restriction on the number of trips.	Enacted—Signed by the governor 2-2-74. Effective 7-11-74
New York	A 8948 Assemblyman Levine	Authorizes the Oswego BOCES, with the consent of the commissioner, to enter into contracts with Oswego County to provide transportation for handicapped children in Oswego County to and from any facility or institution for educating handicapped children within or without that county.	Enacted—Signed by the governor 5-23-74. Effective 6-13-74

STATE	BILL/ SPONSOR	BASIC PROVISIONS OF THE BILL	STATUS
Pennsylvania	H 1863 Representative McClatchy	Requires school directors to provide full and complete transportation services for any handicapped student to any school or college within the district's boundary; establishes a 5-to-1 student-teacher ratio at the primary level and 10-to-1 at the secondary level. Also amends reimbursement of transportation payments for the handicapped to full payment.	House Education Committee
Pennsylvania	H 1742 Representative McCue	Requires that deaf children be provided free transportation, including weekend travel, to an approved boarding school or institution and provides for reimbursement of such transportation.	House Education Committee
Pennsylvania	H 1801 Representative Volpe	Transfers to intermediate units the responsibility to provide transportation for public, nonpublic and exceptional school pupils; provides for transportation payments to intermediate units by the department of transportation in an amount equal to 50 per cent of transportation costs, the balance paid by school districts to the intermediate units on the basis of respective district transportation costs; authorizes the department of transportation to promulgate rules and regulations for carrying out the act; appropriates moneys from the "Parent Reimbursement Act for Nonpublic Education" and 23 per cent of the "Cigarette Tax Act" to the department of transportation for transportation payments; is effective immediately and shall apply to transportation of pupils on and after July 1, 1974.	House Education Committee

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